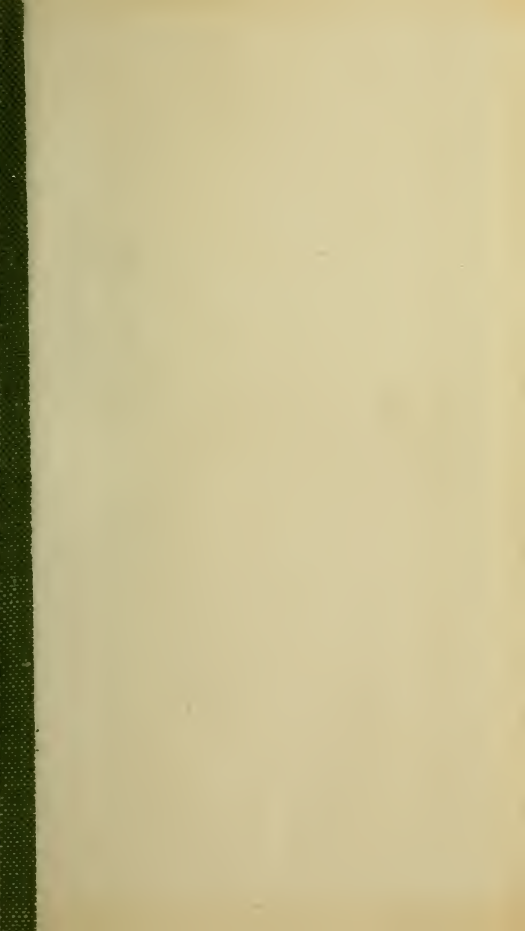


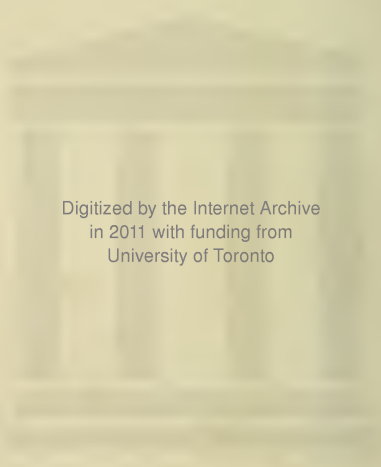


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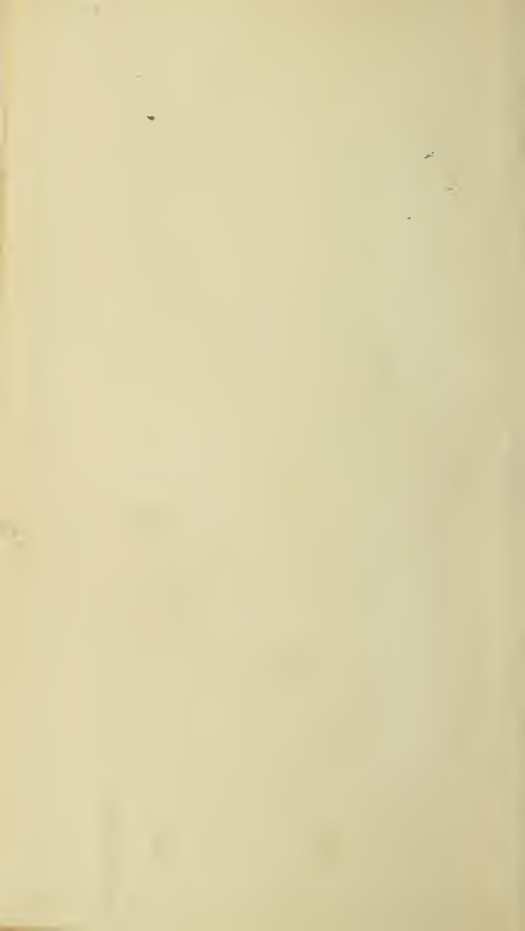
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2. LORD MANNFIELD.
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4. SIR W. DRAPER.
5. JOHN WILKES ESQ.
6. EARL OF BUTE.

THE PORTRAIT IN THE CENTRE IS A LIKENESS
OF **GEORGE III.** AT
THE AGE OF 31
FROM AN ORIGINAL PICTURE BY RAMBAY.

LETTERS

(S.S.)

JUNIUS.



EDINBURGH,

Published by Charles A. Bell

The Portraits & Eniguettes

Drawn by

JOHN WATSON

and

ENGRAVED BY JAMES STEWART



LETTERS

OF

J U N I U S ;

WITH

PRELIMINARY DISSERTATIONS,

AND

COPIOUS NOTES.

BY ATTICUS SECUNDUS.

[*John MacDonell*]

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ADVERTISEMENT.

IN this new Edition of the **LETTERS OF JUNIUS**, the Publishers have had in view, not only to free these beautiful specimens of English composition from every obscurity which the passing nature of the events discussed in them may have occasioned, but to render the work, as it now appears, an interesting illustration of an important portion of British history.

With this view, the Letters have been introduced by the following Preliminary Dissertations:—A general View of the Political History of Britain, from the Accession of George the Third to the Publication of the Letters of Junius—General Review of the Letters—On the Style of Junius—On the Temper in which the Letters are written—On the Political Principles maintained in the Letters—And on the Controversy respecting their Author.

Beside these Dissertations, which seemed necessary for enabling the reader to enter with advantage on the perusal of the Letters, copious Notes have been appended to the text; so that, it is presumed, there is no allusion in the course of the work, either to persons or to historical transactions, an explanation of which will not be found in the proper place.

Edinburgh, 1st December, 1821.

The Reader is requested to correct the following Errata :

Pages 16, 84, 119, lines 21, 14, 25, *for* Westminster, *read* Middlesex.

Page 16, line 22, *for* city, *read* county.

Page 37, line 3, *for* letter she, *read* letters he.

Page 39, line 2, *for* infeeeling, *read* unfeeling.

Page 307, line 27, *for* oppositionists of Wilkes, *read* opposition to Wilkes.

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PRELIMINARY DISSERTATIONS.

GENERAL REMARKS.

THE Letters of Junius have had a singular fate. Originally published at a time when political disquisitions of every form, and of all degrees of excellence, were daily poured forth in unprecedented abundance, these remarkable Letters at once drew the whole attention of the public to themselves—they were expected with a degree of feverish impatience, surpassing any thing we have recently witnessed; and made an impression on the public mind, which no other occasional productions have ever rivalled. And all this is the more remarkable, because the qualities of style by which these Letters are characterized are not those which we should have been disposed to fix upon as best adapted for producing such an effect. Instead of being diffuse or declamatory, they are remarkable, in a very high degree, for condensation, energy, and precision; instead of being tricked out in gorgeous and dazzling metaphors, they claim the merit of more than ordinary purity, and of an attic chastity of expression; their invective is not coarse and *tranchant*, but marked, on the contrary, by the highest degree of polish and refinement. It was not to be wondered, however, that when, by any means, the attention of the public was once directed to such compositions, their effect should have been proportioned, both in its intensity and duration, to the essential merit of the writings. The fact accordingly is, that the original popularity of these Letters has not suffered any abatement, either

from the recent occurrence of political transactions, very different from those which they were intended to discuss, or from the well-merited fame of the many beautiful and powerful specimens of composition which have lately enriched the literature of this country. On the contrary, they have risen from the rank of mere political invectives to that of standard specimens of English composition; and there is every probability that they will maintain the rank which they now hold during all the ages in which any vestige of the language or political wisdom of Britain shall remain.

At the same time, it cannot escape observation, that short as the period is since these Letters were first published, they are already invested with no small portion of that obscurity which time so commonly throws over the works of man. Nor is it at all difficult to point out the sources in which this obscurity has originated. For it is to be remarked, in the first place, that, like all compositions devoted to the events and characters of a particular period, these Letters must become less capable of being understood or relished, in proportion as those events and characters on which they were originally formed have lost their interest to the public eye; and the fact accordingly is, that most individuals who come for the first time to the perusal of these Letters, find themselves abridged of their delight, at the very outset, by this particular cause of perplexity. There is another cause of obscurity, in the difficulty which most readers find of discovering the plan upon which the series of Letters is written. In most other compositions, the perception of a plan is known to be of essential use in facilitating their comprehension; and although in a series of letters the same methodical arrangement is not required, because each letter is supposed to be complete within itself, yet in a series of letters, written for the purpose of enforcing certain political max-

ims, some such design ought to prevail : and in the Letters of Junius there is most assuredly a very distinct and ably-sketched plan ; for not only are there some of the letters which are principal and others which are subordinate, but even in the leading letters, there is a regular order, and traces of a system previously formed. But although this plan be sufficiently distinct in itself, it is equally true, that a reader who peruses the Letters for the first time cannot be supposed capable of perceiving it ; and the want of this perception is undoubtedly one of the great causes of that obscurity which now conceals so much of the essential merit of these unrivalled productions. There is a last source of the same darkness in the very qualities of the style by which these Letters are distinguished ; for it is obvious that few individuals have the firmness and continuity of thought necessary for the successful perusal of compositions so remarkable for condensation both of meaning and of expression ; and the generality of readers having formed their ideas of what is excellent in composition from works characterized by very different qualities, cannot be expected to enjoy all the luxury of that feast, which, to minds better prepared, the works of this author will infallibly present.

It is with the view of obviating all these difficulties that the following preliminary dissertations, and the notes which accompany the text, have been prepared. To remove the first cause of obscurity, the editor has given, in the first place, a summary view of political transactions from the commencement of the reign of our late revered monarch till the period of the publication of the Letters of Junius ; and the copious notes are intended to explain every more minute allusion which the Letters contain. It is believed, indeed, that there is no possible difficulty, originating in this first-noticed cause, which will not be found explained in some part or other

of these disquisitions. For removing the second source of obscurity, the editor has given, as his second dissertation, a general view of the Letters, in which their plan, and the substance of each letter, is carefully examined ; and the remaining dissertations are intended to illustrate every thing that could occasion perplexity, originating either in the peculiar style which the author has adopted—in the remarkable spirit in which the Letters are written—or in the political maxims they were intended to support. These dissertations are closed with a few remarks on the much-agitated question respecting the author of the Letters.

DISSERTATION I.

GENERAL VIEW OF THE POLITICAL HISTORY OF BRITAIN FROM THE ACCESSION OF GEORGE THE THIRD TO THE PUBLICATION OF THE LETTERS OF JUNIUS.

PERHAPS there is not in the history of Great Britain a more brilliant period than that of the accession of our late beloved monarch. A war of unexampled extent indeed, and embracing a vast variety of interests, was then raging ; but a ministry of great talents had for some years had the management of affairs ; and Mr Secretary Pitt, in particular, had arranged matters with so much ability, had given such order to all the departments of business, and inspired so much energy and emulation into all functionaries, that almost every operation was crowned with success ; and the British people beheld with exultation, one of those glorious periods of ex-

tensive and uniform victory, with which, since that time, they have had more familiar experience.

We can easily imagine how much the generous and high-toned delight which this season of triumph inspired must have been augmented by the accession, amidst the very blaze of all this glory, of a sovereign in whom the affections and hopes of the nation were justly centered. Every thing that was known of the personal character of the monarch conspired to enhance and to sustain this exultation. He was the first of that new race selected by the choice of the nation, who had been born and bred a Briton. His manners and dispositions were known to be of the most amiable and promising kind. The favour with which every nation regards a sovereign who ascends the throne in the bloom of life was, therefore, enhanced in this case by many circumstances; and that which of all others gave the highest attraction to his character, and which surrounded his throne with glory and with power during all his future years, was the universal belief, that to amiable manners he added principles of morality of the very purest kind; and that all this assemblage of accomplishments and graces was sanctified and upheld by a deep feeling of religious responsibility.

No monarch, therefore, ever ascended the throne amidst a purer or more general homage of gratulation from his people; yet there were individuals who saw, or thought they saw, amidst all this goodness of promise, the first gathering of a storm, which was soon to cover the horizon with darkness. This suspicion originated in the kind of education to which the young monarch was believed to have been previously subjected. For it was the general belief, that a party had for many years been forming, who had it as their object to obtain the direction of the royal mind, to give it that bent which was most favourable to their own views, and in this manner to establish the sovereign authority upon

a foundation considerably different from that on which, since the accession of the house of Brunswick, it had rested. At the head of this party were the Princess Dowager of Wales, mother of the monarch, and Lord Bute, a nobleman who had acquired a high place in the esteem of the princess. Several other persons of high rank and authority were also understood to belong to this party. But the chief suspicion of the nation was directed towards the nobleman already mentioned; and the *party of Leicester-house—the Favourite—and the Friends of the King*—became terms of daily use in political speculation, and were never employed by the majority of the nation but with evident marks of detestation or of scorn.

Supposing such an association to have existed, it is not difficult to enter into those feelings of ill-will with which it was regarded by the generality of the nation. For, in the first place, the principles in which the young monarch was privately educated, were believed to be far more despotic and unconstitutional than those which had actuated any of his predecessors of the same family; and those, therefore, who cherished what they considered to be true whig principles, thought they saw in this secret education the promise of a reign which would gradually change and debase the whole character of that beautiful fabric which they prided themselves in upholding. But this was not the sole objection to the influence supposed. The great whig families of the kingdom, by the aid of whose ancestors the Revolution had chiefly been brought about, considered themselves entitled to take a more than ordinary interest in the preservation of that fabric which their fathers had reared; and, instead of being permitted to take this interest, they thought that they now saw themselves slighted and rejected, and all the services of their houses set at nought, by a prince who was but a little way removed from

the very sovereign whom their fathers had placed upon the throne, to the exclusion of a family of arbitrary principles. In addition to all these grounds of complaint, this system of favouritism appeared to these persons to be objectionable as an attempt to rule by other individuals than by the responsible servants of the crown. They always declared, that it was the opinion and maxim of the secret faction, that the ministers were but the executive servants of the crown, and should know nothing of measures till they were called to put them in force; and in this way they believed that all the principles of the constitution were violated, and the royal authority placed on a foundation on which it was never intended to rest.

Whether any such deliberate plan was ever formed, however, may be doubted. The young prince, it is to be remembered, had for some years been deprived of his father; and although the education of the heir apparent was under the direction of the state, nothing could be more natural than that a mother, anxious for the best interests of so great a charge, should wish to associate with herself, in the training of his mind, such individuals as had gained her entire confidence; and whom, in such a matter, she cannot be believed to have chosen but from the most conscientious views. It is certain that no authentic account of any such faction or party has yet been given to the public; and the very idea of it might be nothing more than a mistake, founded on the jealous fears of those who were interested in preventing its existence, and on the natural ascendant which men of accomplished manners and of sound and moderate views could not but gain over the minds of a mother and son situated as the Princess Dowager of Wales and the heir apparent were then placed. And with respect to the effect which was produced upon the royal mind, supposing such a faction to have existed, we have never

been able to see in what the eventual harm of it consisted. Perhaps the education which was then given to the prince, co-operating with the natural bias of his own undaunted and well-principled mind, was the very best that could have been devised for enabling him, during the eventful changes of one of the longest and most glorious reigns which has ever been granted to any monarch, to support with triumph, and with the true feeling of a British sovereign, the constitutional throne on which he had been placed, and to set at defiance all those changes and revolutions, which, during the future years of his reign, shook to their foundation all contemporary establishments.

But, whatever may be the value of these reasonings, it is a fact, that the jealousy which was awakened by the supposed existence of such a faction, was a principal source of those discontents and murmurings which began to display themselves almost immediately after the young monarch had ascended his throne; that it continued, with increasing power, to throw the most serious obstacles in the way of those arrangements which the public service rendered expedient; and that, till the leading members of the party had retired from the stage, it gave a tone of bitterness to the political feelings of the nation, which, unless awed by the respect inspired by the high personal character of the monarch, might have been attended with the most serious and permanent convulsions.

In noticing the causes of the difficulties which government had to encounter at this period, it is impossible to shut our eyes to the very serious inconveniences which were occasioned by the peculiarly unaccommodating character of the minister who then chiefly filled the public eye. Mr Pitt had rendered such pre-eminently valuable services to his country during the war which still continued to rage—his talents and eloquence were of so over-

powering a kind—and there was, at the same time, so general an impression of the perfect honesty and true patriotism of his views—that it was impossible, even amidst the crowd of singularly able men who adorned this period, to detain him for any long time from the highest place in the management of public affairs. But the political views and feelings of Mr Pitt were, at the same time, in direct opposition to those which the sovereign and his friends most certainly cherished. And it is easy to see, that in these circumstances—with the desire which the court felt to avail themselves of the services of Mr Pitt, and their aversion to the maxims which he spent all his strength in inculcating—the most serious and perplexing difficulties in the management of public affairs must frequently have been experienced.

It was not merely, however, by the complexion of his political views that the secretary occasioned these difficulties to the court—though the loudest and ablest advocate for general liberty, Mr Pitt was, in his own temper, the most despotic of mankind; and while he sought to gain freedom and independence to the British nation, he attempted to bend the will of all his colleagues into an unresisting submission to whatever he proposed.

A remarkable instance of this temper, and of the occasional inconveniences which resulted from it, occurred about this time. During a negotiation for peace with France, a note had been presented, which contained a proposal that Spain should be admitted as an accessory to the treaty, on certain grounds specified in the note. But there was something in the manner and time of this communication which aroused the jealousy and indignation of the British minister, and having other reasons for being dissatisfied with the behaviour of Spain, he immediately denounced the conduct of that nation as offering unequivocal symptoms of a

warlike disposition. The matter was solemnly and repeatedly discussed in the British cabinet ; but Mr Pitt's motion for instantly attacking Spain was seconded by Lord Temple only. The secretary, therefore, instantly announced his intention of resigning ; and concluded by declaring, in language which it is impossible to justify, that having been called into the ministry by the people, he held himself in all things to be accountable to them, and certainly would no longer remain in a situation which made him responsible for measures he was not allowed to guide.

It is not necessary, for the purpose we have at present in view, to determine whether the facts upon which Mr Pitt proceeded were sufficient to warrant the decisive measures which he thus recommended. His conduct, both during the discussion and in resigning his office, was evidently the effect of overweening self-importance ; and the strictures we have now offered are the more fearlessly advanced, because it must be obvious to every reader of the history of that period, that, notwithstanding the high services and merits of Mr Pitt, his peculiarly untractable disposition continued during many difficult years posterior to this to throw the most serious obstacles in the way of any lasting and satisfactory arrangements. We are happy, therefore, in being able to corroborate the preceding observations by the following sentences from one of the most beautiful encomiums that was ever pronounced upon the character of this minister :—" Happy," says Mr Burke, " had it been for him, for his sovereign and his country, if a temper less austere, and a disposition more practicable, and compliant, and conciliating, had been joined to his other great virtues. The want of these qualities disabled him from acting any otherwise than alone ; it prevented our enjoying the joint fruit of the wisdom of many able men, who might mutually have tempered, and mutually for-

warded, each other ; and finally, which was not the meanest loss, it deprived us of his own immediate services."

On the resignation of Mr Pitt, the entire direction of affairs was intrusted to Lord Bute. It had always been represented by the opponents of this nobleman, and of the party which he was supposed to lead, that the two grand objects which that party had in view, were the deliverance of the sovereign from the influence of the great whig families, and the conclusion of the extensive and harassing, though glorious war, in which the country was engaged. It happened accordingly, that as soon as Lord Bute was raised to the elevated rank which he now held, he addressed himself with zeal to the accomplishment of the latter of these objects ; and it was during his ministry that that war was concluded, the conduct of which had brought such a harvest of glory to Mr Pitt and to the nation—which had raged not only in the heart of the continent, but along all the coast of France—in America—the West Indies—and the French possessions in the East—but which was evidently prolonged beyond the period in which the just objects of it had been obtained, and which the opponents of the secretary delighted to stigmatize, by familiarly calling it *his* German War.

There is no doubt, even in the minds of those who are now the greatest admirers of Mr Pitt, that it was a wise and a good thing to conclude this struggle ; that it was concluded at a time when we had every thing to gain, and nothing to lose ; and that though more splendid conditions might have been claimed by us, it was prudent to abate a little of our selfish feelings for the sake of giving peace to a great portion of the civilized world, and of taking something, if possible, from the violence of that internal irritation which was now beginning to convulse the whole population of the British empire.

So deep-rooted, however, was the dislike of the minister which now prevailed, that no merit whatever was allowed him for his conduct in this business. And this dislike was said to arise not merely from the unconstitutional maxims which he professed, and which he was understood to inculcate on his sovereign: it was understood to proceed, at least, as much from the ungracious manner which he adopted towards his antagonists, and from a want of those arts by which the temper of the British nation could most easily have been governed. A powerful party, composed of men of the highest rank and influence in the country, and many of them also of the most undoubted talents, was accordingly formed for the express purpose of opposing the ministry, and of affording a *signal* to the nation that they were ready to second the general expression of the public voice. At the head of this party, which took the name of the *Flag*, was the Duke of Cumberland. They agreed, in prosecution of their schemes, to dine weekly at the houses of each other; and the weight and respectability of the party is sufficiently evinced by the following list of the names of its principal supporters:—The Dukes of Bolton, Devonshire, Grafton, Newcastle, Portland; Marquis of Rockingham; Earls of Albemarle, Ashburnham, Besborough, Cornwallis, Hardwicke, Scarborough, Spencer, Temple; Lords Abergavenny, Dacre, Fortescue, Grantham, Londes, Walpole, Villiers; Right Honourable William Pitt, Sir George Saville, C. Townsend, C. Yorke, G. Grenville, &c.

The unpopularity of the ministers, and the discontent of the nation, were augmented, at this time, by an attempt to impose a tax of four shillings upon every hogshead of cider, to be paid by the maker. This was considered to be an intrusting the officers of excise with a most unwarrantable and vexatious power of prying into the secrets of every house. The whole

nation was accordingly thrown into a ferment at a moment when unanimity was most desirable ; and opposition neither wanted the inclination nor the power of turning this discontent to the serious annoyance of their political rivals.

The ministry, however, persevered in their scheme of establishing this tax, and the unpopularity of their leader was thus aggravated into abhorrence. The British nation presented, at this time, one of those spectacles which only a free nation can present, and of which the subjects of arbitrary governments have consequently no idea. But it is a spectacle which is one of the most appalling and ominous that can be witnessed by those who value the peace and good order of society. The people, almost to a man, seemed animated by one sentiment of indignation : the most virulent libels issued from the press, and were circulated through the nation ; a degree of licentiousness in attacking characters and institutions was displayed beyond what had ever been witnessed in any former period ; every thing gave signs of tumult and disorder ; nothing was held sacred, and no character was spared. And in this warfare of the passions, it was not easy to say which of the opposing parties outstripped the other.

In the midst of this strife and contention, and while no individual anticipated such an event, Lord Bute resigned ; and abundance of speculation was of course excited by this unexpected event : his friends attributed his conduct to that love of ease and of domestic quiet which he was known to relish ; and his enemies considered it as proceeding from a want of courage to withstand the storm, and from a secret consciousness that he was not worthy of being supported. His lordship, however, appears not to have had any reason for blaming himself in what he had lately done, except, perhaps, in so far as regarded the imposition of the cider tax ;

and all doubt as to his motives ought to be set at rest by his own avowal, as given in the following extract from a letter to a confidential friend :—
“ Single,” said he, “ in a cabinet of my own forming : no aid in the House of Lords to support me, except two peers (Lords Denbigh and Pomfret), both the secretaries of state silent, and the lord chief justice, whom I brought myself into office, voting for me, yet speaking against me ; the ground I tread upon is so hollow, that I am afraid not only of falling myself, but of involving my royal master in my ruin. It is time for me to retire.”

All this, however, was but the beginning of a tempest which was rapidly gathering into accumulated blackness. We do not intend, however, to follow the progress of the storm through all the variety of shades which it assumed : it is sufficient for the purpose we have at present in view, that we cast a general glance upon the different elements which were now at work ; and in doing so we shall find, that they may very conveniently be reduced to the three following ; namely, the excitement given to the public mind by the proceedings against Wilkes ; the calmer but weightier interest which all reflecting persons felt in the discussions which now occurred respecting the right of Great Britain to tax America ; and, lastly, the difficulty that was felt of forming a cabinet, on which the confidence of the nation might be securely placed, and the consequent changes which, with unexampled celerity, at this time took place in the different ministerial departments.

1. Among the various publications which this period of tumult had called forth, the most remarkable for the license it assumed was that entitled the *North Briton*, originally intended to expose the measures of Lord Bute, but eventually distinguished by a degree of violence and of obscenity which left nothing that was holy or vener-

able unprofaned. It was not, however, till the author of this publication had made some most unwarrantable remarks on the speech with which his majesty had closed the session of parliament of April 1763, that government thought fit to stretch out its hands against this impious declaimer. A warrant was accordingly issued by Lord Halifax for apprehending the authors, printers, and publishers, of the *North Briton*; and after some opposition and remonstrances on the part of Wilkes, he was at last lodged in the Tower, in consequence of this warrant; his papers were carefully sought for and secured, and all access to his person was strictly prohibited. He was afterwards liberated by Lord Chief Justice Pratt (afterwards Lord Camden), on the ground that his privilege as a member of parliament could only be forfeited by treason, felony, or actual breach of the peace; and immense multitudes, who had now learnt to consider Wilkes as the martyr of liberty, attended him to his trial, and rent the air with acclamations on being informed of his release.

According to the regular mode, however, with respect to all members of parliament who are similarly situated, the matter was submitted to the House of Commons by a message from the king, in which the offence of Wilkes and the proceedings against him were narrated. A debate ensued, which terminated in voting the paper entitled the *North Briton* to be a false, scandalous, and seditious libel; it was ordered to be burnt by the hands of the common hangman; and a duel between Wilkes and one of the members who had expressed himself with much freedom having taken place, the obnoxious author was wounded, and, during the ensuing adjournment, he withdrew to France.

The Commons having thus voted the *North Briton* a libel, proceeded in the charge against Wilkes as its author. He transmitted an apology from

France for not attending in parliament on the day of his trial ; but his apology was found to be insufficient, and his expulsion was carried, with a very small division in his favour. He was afterwards declared an outlaw for not appearing to the indictment against him.

Several years had now elapsed since Wilkes had retired to France. But finding himself reduced to a very deplorable situation in that country, he resolved to transmit a humble petition to parliament, requesting that his offences might be pardoned, and that he might once more be permitted to return to Britain. The petition was rejected with the utmost scorn ; and Wilkes, finding himself thus reduced to desperate circumstances, resolved to run all hazards in acquiring the distinction at which he aimed. He accordingly had the audacity to appear in London, and to set himself up as a candidate for the honour of its representative ; and having been unsuccessful in this attempt, he proceeded to try his fortune with the electors of Westminster ; and was finally returned for that city by a great majority. By a subsequent decision of the Commons, however, he was declared incapable of resuming his seat, on the ground that he had already been expelled from that House ; and after much discussion, and many angry debates, to which the proceedings on this business had given rise, Colonel Luttrell, a young man of much courage and ardour, and son to Lord Irnham, had the firmness to offer himself as the rival candidate to Wilkes ; and his election, though he had been supported only by comparatively a small number of the electors, was finally declared by the Commons to be valid. The name of Wilkes was ordered to be expunged, and that of Colonel Luttrell substituted for it.

Such is a short and abridged statement of the proceedings in the case of Wilkes ; and from this statement the reader will perceive, that there were

three great questions which naturally arose from it, and which were accordingly discussed in parliament with much keenness. The first regarded the validity and legality of general warrants; the second the crimes which deprive a member of parliament of his privilege; and the last respected the question, whether a member who had been once expelled could again be elected to a seat in parliament.

Respecting the first of these, a resolution was moved in the Commons House, on the 14th February 1764, by Sir William Meredith, an opposition member, stating, that a general warrant for apprehending and seizing the authors, printers, and publishers of a seditious libel, together with their papers, is not warranted by law. Mr Pitt took a leading part in the debate which ensued; and at last a motion being made, the debate was adjourned for four months, by a majority of only fourteen. This small majority on the side of ministers was considered as signifying that the sense of the House was against general warrants. Accordingly, on a subsequent occasion, 22d April 1766, a resolution passed the House of Commons, that a general warrant for seizing or apprehending any person or persons being illegal, except in cases provided for by the act of parliament, is, if executed on a member of the House of Commons, a breach of privilege. The bill which followed this resolution passed the Commons, but was thrown out by the Lords.

On the second question, a resolution was proposed to parliament by ministers to the following effect; namely, That privilege of parliament does not extend to the case of writing and publishing seditious libels, nor ought to be allowed to obstruct the ordinary course of the laws in the speedy and effectual prosecution of so heinous and dangerous an offence. On this question also, Mr Pitt distinguished himself in opposition to ministry; and though the resolu-

tion was carried, it was after violent debates, and in the face of some protests against it.

On the third question, a debate originated in consequence of a petition from the freeholders of Middlesex. A long list of precedents was quoted, in which expulsion was considered as identical with disability; and the debate was concluded by a vote declaring Wilkes to be incapable of being returned.

Such are the facts, and such the general questions, connected with this celebrated case. What we have chiefly to remark, however, is, that during the whole of the proceedings which we have now detailed, the public mind was kept in a state of the most dangerous agitation; bands of factious men, who took Wilkes as their idol, paraded the streets of the metropolis by day and by night, assuming, during these riots, the supreme authority, and compelling the inhabitants to illuminate, or to do whatever else they pleased. Many acts of violence and of great irregularity took place; and the person whose fate gave occasion to all this uproar was thus raised, from that contempt into which both his talents and principles would have sunk him, to be the object of the unbounded applause of the multitude, and almost the demagogue of a revolution that threatened the subversion of the whole social order.

2. We mentioned, as the second great cause of the existing discontent, the discussions into which the British parliament had lately entered respecting the right of taxing America. No person, who is in the slightest degree acquainted with the recent history of these kingdoms, needs to be informed of the pertinacity with which this claim of right was resisted, or of the momentous consequences to which it led. An important member of the British empire appeared about to be cut off; and the united wisdom of all her legislators was unable to devise any plan by which the national sovereignty

might be maintained, and the causes of irritation in the diseased part removed. Disaffection spread with the rapidity of lightning over the whole population of the American States ; and what had at first been only a desire to resist an unusual imposition, was at last transformed into a determination to shake off the yoke, which seemed unworthy of their energies. With the progress of this feeling in America, that of discontent of course kept pace in Britain ; and those who sought every opportunity of harassing the present possessors of power, were furnished with abundant occasions in the inefficacy and inconsistency of the measures which were successively adopted, and in the appalling prospect which was now held out to the nation of losing at once a most valuable portion of the empire, and of incurring the disgrace of an ineffectual and ill-conducted struggle.

3. The third great cause of the troubles of this period originated in the difficulty which was felt in all attempts to form a harmonious and effective ministry. Many men of great political talents flourished at this period ; and perhaps there never was a time during the history of Britain, when this species of ability was produced in greater abundance or in a higher state of perfection. But there were also momentous questions to be not only discussed, but practically managed, upon which the most enlightened and powerful minds might be expected to differ ; and there was also a plentiful portion of that pride and high-minded independence which the consciousness of talent commonly produces, and which, independent of other differences, prevented a hearty and permanent adjustment of views.

It is remarkable, accordingly, that from the accession of his late majesty till the period of which we are now speaking, scarcely a year elapsed without being distinguished by the formation of a new

ministry. Lord Bute assumed the reins in 1762; he was succeeded by the Duke of Bedford's ministry in 1763; Lord Rockingham was appointed prime minister in 1765; Lord Chatham formed a new arrangement in 1766; the Duke of Grafton formed the ministry over which he presided in 1767; and Lord North completed this series, by assuming the management of the helm in 1770. And we may well believe, that, when complete arrangements succeeded each other with such rapidity, the short period during which they individually existed must have admitted of many subordinate changes; and the whole of these years might, therefore, be considered as one protracted attempt, on the part of his majesty and his advisers, to form for himself a combination of servants who might conduct the distracted affairs of the nation with success. A short review of these different administrations will give us a better insight into the causes of their dissolution.

The king and his friends, although not very much disposed to adopt the politics of Mr Pitt, seem at all times to have been aware that the acquisition of his talents and influence was of the very first importance. Soon after the resignation of Lord Bute, therefore, attempts were made, first by that lord himself, then by the king in a private interview, afterwards by the Duke of Cumberland, and again by the king, to bring over this great statesman. But Mr Pitt was not to be moved from any one of the terms on which he had made up his mind; and when he insisted particularly on having the entire nomination of the cabinet, and on admitting into public consideration the great families who had supported the revolution government, the king declared that his honour was engaged towards some individual friends, and that he could not therefore accede to the proposal of Mr Pitt. The Duke of Bedford, during whose administration this negotiation took place, was also a high-minded and very

determined nobleman ; and the circumstance of his having, in a transport of rage, used opprobrious language to his sovereign in his closet, at last produced a fixed determination in the royal breast to be delivered from his counsels.

It was upon this event taking place that the Rockingham administration was formed. But the leading members of it had determined to repeal the stamp act of the preceding administration ; they were therefore considered as willing to compromise the royal authority over the colonies, and therefore the resolution was taken to dismiss them.

When Lord Chatham was beginning to arrange his administration, he applied to Lord Temple, his father-in-law, whose aid he well knew would be of essential advantage to him. But when these two great statesmen came to settle matters, Lord Chatham's desire of forming the cabinet entirely upon his own predilections, was too much for the independent spirit with which Lord Temple had come to the controversy ; and infinite disadvantage to the country and the government resulted from the disunion of two such accomplished leaders.

The health of Lord Chatham began to be seriously undermined soon after entering upon the duties of his new office ; he found it necessary, therefore, to retire to a distance from the metropolis, and to avoid taking any part in public transactions. The other members of administration found much difficulty, in his absence, of conducting affairs with success ; and at last the Duke of Grafton, supported by the high talents of Lord Camden, undertook the duties of first servant of the crown.

The Duke of Grafton's administration was as short-lived as all the rest which had preceded it. The great seal was taken from his chancellor, who had voted with Lord Chatham in opposition to the wishes of his majesty ; it was given to Mr Yorke, who, soon after receiving it, put a period to

his existence ; and the duke being thus left without a chancellor, and most seriously incommoded by the resignation of many other important members of the cabinet, found it necessary to resign also. Lord North was his successor, and the head of that administration which conducted the affairs of the nation during the twelve eventful years which followed.

From this review, it is evident that the difficulties which were felt in forming an effective cabinet, during the whole of the first nine years of the late monarch, originated, in the first place, in the natural wish which his majesty felt that certain individuals who had gained his confidence should be admitted to the formation of those counsels by which the measures of his government were to be directed. Lord Chatham and some other noblemen of the highest talents had conceived an antipathy to such an association ; and many attempts on the part of the sovereign to bring it about were accordingly terminated by an explicit refusal on the part of these statesmen to receive the coadjutors whom the king recommended. A second source of the same difficulties is to be found in the personal dislikes and jealousies of those who coincided in their general ideas respecting the line of conduct which it was most expedient, in the existing situation of the country, to adopt. And the private feelings of Lord Chatham and his father-in-law, Lord Temple—of the other relations of the last-mentioned lord—of the Duke of Bedford—the Duke of Grafton—and the Marquis of Rockingham—each of whom considered himself as entitled to stand on an equality with any of the rest, were constantly interposing some insurmountable difficulty to the formation of such an arrangement as they all felt it would be expedient to have established. There was a last source of the same embarrassment, in the actual differences of opinion among these great leaders upon

the very momentous topics which then agitated the nation. The situation of America, and the various proceedings in the Middlesex election, were thus viewed with very different sentiments by those whose ideas of the general interests of the nation were substantially the same. And all these things concurring with the new system of policy which the personal friends of the monarch were accused of wishing to establish, gave to the commonwealth the resemblance of a vessel which had for the first time been launched into a stormy sea, where all its motions were, necessarily, for a time unsteady, and where no hand was able, by seizing the helm, to give a fixed and useful direction to its course.

In these circumstances, it was not to be wondered if an universal and portentous ferment pervaded the nation. Addresses and counter addresses accordingly were sent up from every town, county, and corporation, of the kingdom. The minds of all men were agitated by the important discussions which thus occupied the public attention; and every eye was directed with earnest expectation to the proceedings of that parliament which was soon to assemble.

Some of the most brilliant displays of eloquence which the British senate has ever witnessed, were accordingly called forth at the opening of parliament; and an amendment to the address being proposed, Lords Chatham, Mansfield, and Camden, took occasion to discuss all the arguments that could be brought forward either for reversing or confirming the proceedings that had taken place in regard to the Middlesex election. The more general question, however, was still in reserve; and on the 22d of February, 1770, the Marquis of Rockingham moved that a day be appointed to take into consideration the *state of the nation*. It was urged by his lordship, in supporting this motion, that the present unhappy condition of affairs, and the

universal discontent of the people, arose from no *temporary* cause, but had grown by degrees from the first moment of his majesty's accession to the throne ; that the persons in whom his majesty then confided had introduced a system subversive of the old principles of English government ; their maxim being, that the royal prerogative alone was sufficient to support government, to whatever hand the administration might be committed. The operation of this principle was observable in every act over which the influence of these persons had been exerted ; and by a tyrannical exercise of power, they had removed from their places, not the great and dignified only, but numberless innocent families, who had subsisted on small salaries, and were now turned out to misery and ruin. By this injustice—by the taxes which had been imposed at home—by the indecent management of the civil list—by the mode of taxing and treating America—by the recent invasion of the freedom of election—in short, by every procedure at home and abroad, the constitution had been wounded, and the worst effects had resulted to the nation. He therefore recommended it strongly to their lordships, to fix an early day for taking into consideration the state of the country, in all its relations, foreign, provincial, and domestic ; for it had been injured in them all. That consideration, his lordship hoped, would lead them to advise the crown to correct past errors, and to establish a system of government more wise, more suited to the people, and more consistent with the constitution.

The Duke of Grafton, who spoke next, did not rise to oppose the motion ; on the contrary, he engaged to second it, and to meet the noble lord on the great question whenever the House should appoint a day for discussing it. For the present, he aimed only at exculpating himself from some severe reflections which he thought were directed against

his own conduct ; and, in doing so, he defended his conduct and that of his colleagues in such a manner as to draw from Lord Chatham a compliment on the delicacy and propriety with which he had expressed himself.

It was to the speech of Lord Chatham, however, that the curiosity of the public was most anxiously turned ; and we regret that we can only offer a passage or two of this spirited remonstrance. “ I agree entirely,” said his lordship, “ with the noble mover, both in the necessity of your lordships concurring with the motion, and in the principles and arguments by which he has very judiciously supported it. I see clearly that the complexion of our government has been materially altered ; and I can trace the origin of the alteration up to a *period* which ought to have been an era of happiness and prosperity to this country.

“ It is not necessary,” continued his lordship, “ that I should look abroad for grievances. The capital mischief is to be found at home. It corrupts the very foundation of our political existence, and preys upon the vitals of the state. The *constitution* has been grossly violated. Until this wound be healed, until the grievance be redressed, it is in vain to recommend union to parliament. If we mean seriously to unite the nation within itself, we must convince them that their complaints are regarded, that their injuries shall be redressed. On that foundation I would take the lead in recommending peace and harmony to the people. On any other,” continued his lordship, in a strain which neither prudence nor just feeling can entirely approve, “ on any other I would never wish to see them united again. If the breach in the constitution be effectually repaired, the people will of themselves return to a state of tranquillity. If not, *May discord prevail for ever.*”

It was while the public mind was thus in-

tensely agitated that those celebrated Letters appeared, the publication of which has since been noticed by all historians of that period as a remarkable event in the history of these kingdoms. The author had previously written under different signatures; but the letters to which he put the name of Junius were laboured with peculiar care; and as the first of them is dated January 21, 1769, and the last January 21, 1772, it is obvious that they were published at the very time when, of all others, they were most likely to coincide with the troubled state of the public mind. In calculating that this would be the case, the author had proceeded upon views which the event completely justified; and the following extracts, from speeches of two of the most distinguished statesmen of the time, will evince, that there was no rank or talent in the state which had not felt the power of these singularly able and spirited invectives. In describing the general state of relaxation into which public discipline had fallen, Mr Burke thus proceeded:—"Where then shall we look for the origin of this relaxation of the laws and of all government? How comes this *Junius* to have broke through the cobwebs of the law, and to range, uncontrolled, unpunished, through the land? The myrmidons of the court have been long, and are still, pursuing him in vain. They will not spend their time upon me, or you, or you. No: they disdain such vermin, when the mighty boar of the forest, that has broke through all their toils, is before them. But what will all their efforts avail? No sooner has he wounded one than he lays down another dead at his feet. For my part, when I saw his attacks on the king, I own my blood ran cold. I thought he had ventured too far, and there was an end of his triumphs. Not that he had not asserted many truths. Yes, sir, there are in that composition many bold truths, by which a wise

prince might profit. It was the rancour and venom with which I was struck. In these respects the North Briton is as much inferior to him, as in strength, wit, and judgment. But while I expected in this daring flight his final ruin and fall, behold him rising still higher, and coming down souse upon both houses of parliament. Yes, he did make you his quarry, and you still bleed from the wounds of his talons. You crouched and still crouch beneath his rage. Nor has he dreaded the terrors of your brow, sir: he has attacked even you—he has—and I believe you have no reason to triumph in the encounter. In short, after carrying away our royal eagle in his pounces, and dashing him against a rock, he has laid you prostrate. King, Lords, and Commons, are but the sport of his fury. Were he a member of this House, what might not be expected from his knowledge, his firmness, and integrity? He would be easily known by his contempt of all danger, by his penetration, by his vigour. Nothing could escape his vigilance and activity. Bad ministers could conceal nothing from his sagacity; nor could promises nor threats induce him to conceal any thing from the public.”

The following extract from a speech of Lord North is evidently a reply to the foregoing:—

“ When factious and discontented men have brought things to this pass, why should we be surprised at the difficulty of bringing libellers to justice? Why should we wonder that the *great boar* of the wood, this mighty Junius, has broke through the toils and foiled the hunters? Though there may be at present no spear that will reach him, yet he may be some time or other caught. At any rate, he will be exhausted with fruitless efforts; those tusks which he has been whetting to wound and gnaw the constitution will be worn out. Truth will at last prevail. The public will see and feel that he has either advanced *false facts*, or reasoned

falsely from true principles; and that he has owed his escape to the spirit of the times, not to the justice of his cause. The North Briton, the most flagitious libel of the day, would have been equally secure, had it been as powerfully supported. But the press had not then overflowed the land with its black gall, and poisoned the minds of the people. Political writers had some shame left; they had some reverence for the crown, some respect for the name of majesty. Nor were there any members of parliament hardy enough to harangue in defence of libels. Lawyers could hardly be brought to plead for them. But the scene is now entirely changed. Without doors, within doors, the same abusive strains prevail. Libels find patrons in both houses of parliament, as well as in Westminster-hall. Nay, they pronounce libels on the very judges. They pervert the privileges of this House to the purposes of faction. They catch and swallow the breath of the inconstant multitude, because, I suppose, they take their voice, which is now that of libels, to be the voice of God."

DISSERTATION II.

GENERAL REVIEW OF THE LETTERS.

THE author of these Letters did not make his first appearance before the public under the signature by which he is now known. On the contrary, for nearly two years before he assumed the signature of Junius, he had been a regular correspondent of the Public Advertiser under other titles; but it is also true, that almost all the denominations which he adopted had an affinity to each other, and

were intended to carry back the imaginations of his readers to those republican ages, when a stern and unbending patriotism led men of the purest characters to make every sacrifice, and to undergo every labour, for the good of that great commonwealth, the glory and the accomplishments of which are associated with all our earliest studies. It was evidently with this view that our author chose the signatures of Lucius, Brutus, Atticus, and Mnemon, as his favourite titles, and that he endeavoured, in some measure, to accommodate not merely the character of his composition, but the general turn of his invective, to that style of writing and of thought which seemed most suitable to the particular title he had assumed. “The name of Mnemon,” says the author of the Preliminary Essay to the large edition of the Letters, “seems to have been merely taken up at hazard; that of Atticus was unquestionably assumed from the author’s own opinion of the purity of his style,—an opinion in which the public universally concurred; and the three remaining signatures of Lucius, Junius, and Brutus, were obviously deduced from a veneration for the memory of the celebrated Roman patriot, who united these three names in his own.”

It was on the 28th of April, 1767, that is to say, about two years before the first of the letters now printed with the signature of Junius appeared, that our author sent his first communication to the Public Advertiser; and it is probable that he had not himself at that time conceived the same idea of his powers which success afterwards led him to adopt; or, at any rate, that he was not certain whether his peculiar style and manner as an author were capable of producing the effect which they afterwards did produce. He seems, in fact, to have been led gradually onward by the success of his labours, not only to conceive a higher idea of their value, but to believe himself fitted for the pursuit

of much higher game than he had thought fit originally to start. Nor can we believe, that even after he had for some time written under the signature of Junius, he had yet formed the resolution of making that title his passport to posterity, or imagined that his works were to take that high place among the classical productions of his country, to which they have since been advanced. As he proceeded, however, and as accidents, and the eagerness with which the public received his lucubrations, gave them a higher importance in his own eyes, he gradually adopted the resolution of making *Junius* a title of more permanent lustre; and we accordingly find the following sentence, illustrative of the intention we have now attributed to him, in one of his private notes addressed to his printer:—"As to *Junius*, I must wait for fresh matter, as this is a character which must be kept up with credit."

Among the letters which are now published with that name, it is important to remark, that there are some which may be considered as of capital importance, and which constitute the leading steps of our author's progress; and that there are others which are merely subordinate to the former, and explanatory of them. Those of the first kind may be reduced to a few; and in the passage already quoted from Mr Burke, the insight which they afford us into the general plan of our author, is thus pretty distinctly stated:—"How comes this Junius to have broke through the cobwebs of the law, and to range uncontrolled, unpunished, through the land? The myrmidons of the court have been long, and are still, pursuing him in vain. No sooner has he wounded one than he lays down another dead at his feet. For my part, when I saw his attack upon the king, I own my blood ran cold. I thought he had ventured too far, and there was an end of his triumphs. But while I expected in this daring flight his final ruin and fall, behold him rising still

higher, and coming down souse upon both houses of parliament. Yes, he did make you his quarry, and you still bleed from the wounds of his talons. You crouched and still crouch beneath his rage. Nor has he dreaded the terrors of your brow, sir : he has attacked even you—he has—and I believe you have no reason to triumph in the encounter. In short, after carrying away our royal eagle in his pounces, and dashing him against a rock, he has laid you prostrate. King, Lords, and Commons, are but the sport of his fury.”

In conformity to this account, we shall find, that the leading letters of the collection are the following, namely, the first of the volume in which the author has taken a review of the general state of the nation, and of the administration of the most important departments of government, and which led incidentally to the dispute between him and Sir William Draper respecting the merits of Lord Granby, and the conduct of Sir William himself respecting the Manilla ransom. After this come his several letters addressed to the Duke of Grafton, who then held the rank of prime minister, and whom our author has distinguished as the object of his inveterate and unrelenting fury. Next in importance, or rather in order of progress, is his celebrated letter to the Duke of Bedford, who had been the negotiator of the peace in 1763, and upon whom our author has poured perhaps the most bitter and unmitigated insult which he has at any time put forth. The renowned letter to the king holds the next place, and is the best known and most remarkable of all his productions. That letter is followed by the thirty-seventh and thirty-eighth, respecting the petition and remonstrance from the city of London ; and by the thirty-ninth, which is a review of the transactions of parliament during the preceding session. The different letters to Lord Mansfield naturally assume the next place

of importance, as they contain the discussion of points of law and of right which it much concerned the welfare of the nation to have settled. Then comes the celebrated controversy between Junius and Mr Horne Tooke; in which this latter gentleman is believed to have had the rare advantage of being, in all respects, a match for his antagonist, and even of having come off with triumph from the encounter. Having thus attacked all that was most distinguished in the country—the ministry, and their individual leaders—the king himself—the two houses of parliament—and every celebrated individual that, in the course of his invectives, happened to cross his path—we find him, in the fifty-ninth letter, addressing himself more especially to the people, as if every thing that he had done had been for their good alone, without any mixture either of selfish, or of angry, or of party passions in the breast of him who had thus adopted their cause—and, lastly, we find the volume concluded by a letter to Lord Camden, which is remarkable, as being the only encomiastic letter that is to be found in the series.

We now return to a more particular account of this series. In the first letter, we have said that our author took a review of the general state of the nation, and of the manner in which the different departments of government was administered by the men, who, at that time, occupied the chief offices of state. It was, of course, the object of the author to represent things in as gloomy a light as possible, and to attribute as little merit or as much blame as he could, without losing his own credit, to the ministers of the day; and he has accordingly summed up his account in the following sentences:—“ This, sir, is the detail: In one view, behold a nation overwhelmed with debt: her revenues wasted; her trade declining; the affections of her colonies alienated; the duty of the magistrates trans-

ferred to the soldiery ; a gallant army, which never fought unwillingly but against their fellow-subjects, mouldering away for want of the direction of a man of common abilities and spirit ; and in the last instance, the administration of justice become odious and suspected to the whole body of the people. This deplorable scene admits but of one addition—that we are governed by counsels, from which a reasonable man can expect no remedy but poison, no relief but death.”

The turn given to the argument which followed the publication of this letter was remarkable. The commander-in-chief had been but incidentally mentioned among many others whose characters were treated with still greater contumely ; and if due allowance had been made for the manner of Junius, it might have been seen that, in fact, he had no particular dislike to the Marquis of Granby. It happened, however, that Sir William Draper, a distinguished soldier and respectable scholar, had also occasionally tried his powers as a writer in the Public Advertiser, and feeling probably an intense indignation at the contempt thrown on the commander-in-chief, but having no objection at the same time, as Junius hinted to him, to display his own talent for writing, and his particular regard for his superior officer, he replied to the attack made by Junius on the marquis, and put his name to the letter in which that reply was made.

It cannot be said that this was wisely done.—Junius, we have already said, had evidently but introduced the marquis as one of a group of figures, every one of whom was made at last as ridiculous or contemptible ; and by singling him out as an object of defence, Sir William Draper, in fact, made him, according to the expression of Junius, the capital figure on the canvass. But as Sir William had put his own name to his defence of the marquis, it was to be expected that Junius would

also glance his penetrating eye at the most obvious defects of that individual, who thus voluntarily stood forth as his antagonist ; and a battle accordingly ensued, in which the marquis and Sir William were successively the objects of attack ; and in which Sir William was put to the hard task of defending his friend with one hand, and himself with the other.

- It is quite evident, indeed, when the charges brought by Junius against these two characters are carefully considered, and stripped of all the false gloss which the powerful irony of our author communicates to them, that they amount to little or nothing, and that both the marquis and Sir William were very respectable men ; the former not, perhaps, distinguished by the very highest military talents, but yet a good officer and an indulgent friend ; and the latter gifted with high bravery and perfect honesty, though, perhaps, with a slight dash of vanity in his character. But that the marquis had made a traffic of the commissions he had to dispose of, for the particular benefit of his own friends, or for the purposes of party, at least to any greater degree than would have been done by any other officer, does not appear from any thing in the Letters ; and still less is it made out, that so honourable a man as Sir William Draper had sold the companions of his victory by ceasing to prosecute their claims to the Manilla ransom. In truth, however we may amuse ourselves while reading the invective of Junius, at the expense of either of these officers, it cannot but strike us, when we seriously consider his charges, that those men must have been respectable indeed, against whom our author, when eagerly set to degrade them, could advance no heavier charges, or, at least, could support his assertions by no better proofs.

But, however it might be as to facts, there can be no doubt, that, in point of powerful irony and

polished writing, Junius had by much the advantage; and the offer of Sir William to fight him seems also to have been correctly enough refused, on the following grounds, which we give in the words of our author, and with which we conclude this part of the Letters:—"Had you been originally and without provocation attacked by an anonymous writer, you would have some right to demand his name; but in this cause you are a volunteer; you engaged in it with the unpremeditated gallantry of a soldier; you were content to set your name in opposition to a man who would probably continue in concealment; you understood the terms upon which we were to correspond, and gave, at least, a tacit assent to them. After voluntarily attacking me under the character of Junius, what possible right have you to know me under any other?" This challenge seems, however, to have increased the respect of Junius for Sir William, or his fears for himself; and accordingly, after a slight concluding flourish, the dispute between them was finally terminated.

Having thus ended the controversy which his first letter on the general state of the nation had occasioned, our author addressed himself to the continuance of his work, by proceeding to select the prime minister of the day as the object of an attack; and it was with this view that he began that series of letters to the Duke of Grafton, which form so prominent a portion of the general collection. To this minister, every reader of the Letters is aware, that Junius assumes the appearance of having entertained the most inveterate dislike; and there is no epithet of contumely or reproach which he seems to have thought too strong for his feelings. On one occasion he has styled his grace the "basest and most contemptible fellow" in the kingdom; and the object of all his letters to this nobleman is to represent him, not merely as a mistaken

and dangerous minister, but as an unprincipled and heartless man.

If we look, however, a little more carefully at the facts which Junius has advanced, we shall easily find the secret of all this real or pretended indignation. In the first place, the Duke of Grafton was prime minister for the time, and as such the natural mark of a writer, whose object it evidently was to express his own dissatisfaction with the general politics of the period, by pouring contempt on all who were in power. But the duke had also become minister in rather a remarkable manner. He had originally been introduced into public life under the auspices of Lord Chatham, and had professed himself so much convinced of the necessity of that nobleman's presence at the helm, that he vowed he never would accept of office without Lord Chatham, but that under him he would be contented to fill any department. Such strong speeches and resolutions, however, were not suited to the fluctuating state of politics in those days; and when every year saw a new minister and a new cabinet, it was folly in any public man to say with or without whom he had fixed his determination to accept of office. It happened accordingly, that by the retreat of Lord Chatham, the Duke of Grafton actually found himself at the head of affairs, almost without any design either on his own part or on that of his friends; and all this gave occasion to Junius to represent his grace as a person who had abandoned his earliest patron and his first principles upon the temptation of the first offer of power that occurred; as a man who was willing to unite, and had actually united, with either the Bedford party or with Lord Bute, according as he thought his own ambitious schemes most likely to be promoted by the union; and as a minister, therefore, without the complete removal or degradation of whom there was no hope that any general or efficient

coalition of those who were considered as the best and soundest whigs could be effected. In one of his letter she has, accordingly, thus expressed himself:—"My abhorrence of the duke arises from an intimate knowledge of his character, and from a thorough conviction that his *baseness* has been the cause of greater mischief to England than even the unfortunate ambition of Lord Bute." To all this it may be added, that there were, perhaps, some particular measures of the duke's administration which the difficult circumstances of the times, rather than any sense of their absolute propriety, had induced him to adopt; and that his private character, however in other respects correct, was not altogether free from those faults into which youth and opulent circumstances are too apt to lead those who have not the good fortune to be possessed of deep religious and moral convictions.

Taking all these circumstances into account, it is not to be wondered that Junius should have been able to attach something like a momentary imputation of blame to the public character of the duke. But if a candid reader will attend to the articles of blame as they are enumerated in the 13th letter, he will probably find that the chief subject of wonder is, that so little that was absolutely blameable, or that was well authenticated, should have been produced by a writer whose disposition to make use of it was so evident; and the following character of the duke, from the pen of a historian whose political principles are sufficiently independent, may serve to shew in what different lights the same line of conduct may be viewed, according to the prejudices of the mind that contemplates it:—"The character of the nobleman (says Mr Belsham, when speaking of the resignation of the duke, 1770), who, at this crisis, voluntarily relinquished the helm of government, has been, in consequence of the violent, not to say the malignant and factious spirit

which predominated under his administration, grossly misrepresented. Educated in the purest principles of ancient whiggism, for a zealous attachment to which, his ancestors had, from the era of the Revolution, been conspicuously distinguished, he made an early and brilliant entrance into public life under the auspices of the Earl of Chatham, who unfortunately urged his acceptance of the treasury at a difficult and critical juncture, and his compliance was accompanied with much reluctance and hesitation. The unfortunate illness and consequent incapacity of that nobleman proved the source of infinite inconvenience ; and the Duke of Grafton, deprived of the powerful support which he expected, from the wisdom, experience, and popularity of his illustrious friend and coadjutor, had the chagrin to find himself opposed and overruled in the cabinet by the party to whose auxiliary aid he had subsequent recourse ; though, in the delusive hope of more propitious times, he was reluctantly persuaded to continue at the head of affairs, the ostensible patron of measures which he in reality discountenanced and disapproved. The dismissal of Lord Camden, injuriously imputed to the influence of the Duke of Grafton, was, in fact, the immediate cause of his grace's resignation ; and the friendship which had long subsisted between these two noblemen suffered no interruption in consequence of the unhappy political differences now prevailing. And the whole tenor of this nobleman's political life has sufficiently evinced, that he was incapable of acting in a manner which he conceived to be in any respect contrary to the true and essential interests of his country."

After a series of subordinate letters, chiefly devoted to a discussion of the expulsion and incapacity of Mr Wilkes to be re-elected, the most important letter that occurs is that addressed to the Duke of Bedford, which is evidently laboured with

the utmost care, and is perhaps the bitterest and most in feeling of all our author's productions. The duke had been the negotiator of the peace of 1763, which was considered to have been concluded on less favourable terms than the successes of this country might have led its inhabitants to expect. And Junius has not hesitated to suggest that the duke had been *bribed* to accede to these easy terms. His grace is also accused, in the most express language, of a parsimonious and ignoble disposition,—of the utmost meanness, in first quarrelling with the favourite, and then cringing to him,—of having pillaged and ruined Ireland,—and, lastly, of having behaved with an entire want of all parental feeling, in immediately engaging in political intrigues upon the premature death of his son. There is some reason to believe that the severity of these censures was felt by a considerable part of the nation to have been carried to too great a length : and the following quotation from a letter, afterwards inserted in the Public Advertiser, ought to be produced in vindication of a character so harshly treated :—“ In these strictures, I have principally in view the treatment which Junius, in two publications, has thought proper to offer to the Duke of Bedford. His animadversions on this illustrious nobleman are intended to reflect both on his public and private character. With regard to the first of these, nothing of consequence is urged besides his grace's conduct as ambassador at the court of Versailles, in the making of the late peace. I mean not to enter here into the merits or demerits of that important transaction. Thus much is known to all,—the riches of the nation were at that time well nigh exhausted—public credit was on the brink of ruin—the national debt increased to such an enormous height, as to threaten us with a sudden and universal crash ; and whatever be said of the concessions that were made to bring that memorable event to bear, Canada, among other in-

stances, will ever remain a glorious monument that the interests of this kingdom were not forgotten in this negotiation. But Junius, hackneyed in the tricks of controversy, where a man's open and avowed actions are innocent, has the art to hint at secret terms and private compensations; and though he is compelled, by the force of truth, to own 'no document of any treasonable practice is to be found,' we are given plainly to understand so many public sacrifices were not made at that period without a valuable consideration; and that in practice there is very little difference in the ceremony of offering a bribe and of the duke's accepting it. To a charge that is alleged, not only without proof, but even with a confession that no proof is to be expected, no answer is to be returned but that of a contemptuous silence. When a writer takes upon him to attack the character of a nobleman of the highest rank, and in a matter of so capital a nature as that of selling his country for a bribe, common policy, as well as prudence, requires that an accusation of such importance be supported with at least some show of evidence, and that even this be not done but with the utmost moderation of temper and expression; but so sober a conduct would have been beside the purpose of Junius, whose business it was not to reason but to rail. The Roman rhetorician, among the other arts of oratory, mentions one which he dignifies with the title of a 'Canine eloquence;' that of filling up the empty places of an argument with railings, *convitiis implere vacua causarum*. In the knowledge of this rule Junius is without a rival; and the present instance, among a thousand others, is a convincing testimony of his dexterity in the application of it."

To the other accusations brought against the duke by Junius, namely, that his conduct was in all respects avaricious and mean, the same writer thus answers:—"To what bargains with the

minister does Junius allude, when he knows that his grace, though willing to assist the friends of administration with his interest and weight, has not accepted any department either of power or profit? Had Junius and *candour* not shaken hands, this circumstance alone would have afforded him an evidence, beyond all the legal proofs of a court of justice, of the iniquity of his own insinuations. But we are not at a loss for other instances, and those no ordinary ones, of the duke's munificence. To what principle shall we attribute the payment of the elder brother's debts to the amount of not much less than one hundred thousand pounds?—the splendid provision he made for his unfortunate son, and afterwards for that son's more unfortunate widow?—what shall we say to his known attachments to the interests of his friends—his kindness to his domestics—and annual bounty to those who have served him faithfully?—his indulgence to his dependants?—or what are, if these be not unequivocal proofs of genuine liberality and benevolence?

“ When to these symptoms of an enlarged and generous mind, we add what are equally constituent parts of his grace's character, the decency and decorum of his conduct in private life—his regularity in his family—and, what is now so rare a virtue among the great, his constant attendance on all the public offices of divine worship,—we shall hardly find, in the whole circle of the nobility, a man that has a purer, and much more than a constitutional claim to respect, or one that less deserved the censures of a satirist such as Junius, than his Grace of Bedford. But in the reflections of Junius there is a more surprising piece of profligacy yet behind. As if all the former instances of his malignity had been too little, he has filled up the measure of his crimes by calling back to our remembrance the loss, which not the father alone, but the kingdom, sustained in the death of his only son, and to reproach him for

the insensibility he supposes him to have discovered on that affecting occasion. The cruelty of this accusation is only to be paralleled by the falsehood of it, and, in a better age than the present, would have been deemed a prodigy. To one who possessed the proper sentiments of a man, the dwelling at all on a calamity which is still so recent, which, in all its circumstances, was so truly pitiable, would have appeared in the highest degree ungenerous and mean : but to represent the principal sufferer in this scene of woe as the only one not sensible of his misfortune ; to paint a father destitute of a father's love, and even professing a want of those feelings which do honour to the multitude, is an instance of barbarity of which a savage would have been ashamed, and which no prettinesses of style, no power of language, no literary merit, can ever excuse or expiate. And, indeed, corrupt as the times are ^{as} said to be, I have the satisfaction to observe, that of Junius for once has reckoned without his host, and ^{is} mistaken the taste and temper of his countrymen."

Had our author ventured no farther than he had already gone, he would have fully established his character as the boldest and most determined of all censors. For he had not only discussed generally the state of public affairs, and carried his keen investigation into every branch of administration, but he had proceeded to remark, with unexampled severity, on the characters and conduct of men whose station and offices would have been a sufficient defence against the attacks of all ordinary writers. And the letter to the Duke of Bedford was justly viewed by all moderate men as a fearful and even criminal stretch of inquisitorial power. But it was the object of Junius to preserve attention to his remarks not only by the high talent with which they were delivered, and the exquisite language in which they were conveyed, but by the unexampled courage from which they seemed to proceed ; and

having already, therefore, awakened the wonder and admiration of his countrymen by his attacks on the Dukes of Bedford and of Grafton, he proceeded to follow up his victory, by treating with fearless remonstrance even majesty itself.

His letter to the king is, in several respects, our author's most remarkable production. It is remarkable, in the first place, for the result of the trial to which it gave occasion, and for the license which the issue of that trial seemed to give to any future attack which the author of the Letters might choose to make on the most sacred persons or institutions. It is remarkable, in the second place, as the most audacious violation of the liberty of the press which it had ever been conceived as possible to have occurred. But not less than on either of these accounts is it remarkable for the insight which it gives into the general views of the author, and into the feelings with which he regarded those great public transactions by which the commencement of the reign of his late majesty was so remarkably distinguished. Most of the other letters, it is to be remarked, however carefully composed some of them undoubtedly were, and however powerfully they accomplish the object which the author had immediately in view, were confined to the discussion of particular questions, or aimed at the correction of individual delinquencies. But in his letter to the king, the author was naturally led to take a more general and comprehensive survey of the recent and present state of the nation ; and that letter may indeed be considered as an illustration of all the general views which, in the preceding retrospect of the history and politics of that period, we have endeavoured to exhibit.

After some preliminary and general remarks, we accordingly find our author proceeding to remind his majesty of the high favour with which, at his accession to the throne, he had been regarded by

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every class of his subjects—of the bright prospects which were thus opened up to him, if he had known how to avail himself of them—and of the rare happiness which, as the sovereign of such a people, it might have been his fortune to enjoy.

All this brightness, however, he proceeds to state, had been overshadowed by those fatal predilections in which the early education of the monarch had involved him; and by the partial and unwise actions to which these predilections had been the means of conducting him. A favourite had become the prompter of all his designs—able and tried servants had been dismissed from office—and a peace had been concluded by which the honour and interest of Britain had been betrayed and sold.

It is to the influence of the same evil counsels and predilections that our author refers all the persecution to which Wilkes had been exposed; and the repose and safety of the whole British kingdom had thus, according to him, been endangered by the partiality of the monarch for a person whose country and character the demagogue who now commanded the applause of the people had presumed to treat with unsparing scorn.

In this most awkward and unpleasant situation, where could the sovereign turn for relief?—Ireland had been harassed and pillaged; and her people naturally extended the dislike which they felt for the representatives of majesty by whom they had been governed, into a kindred feeling for the monarch himself. The colonies had now ventured to assert their complete independence; and the great multitude of the people of England were actually engaged in a contest with the predilections and wishes of their sovereign. “Yet even in this situation,” continues our author, “your majesty is not destitute of every appearance of support: you have all the Jacobites, Nonjurors, Roman Catholics, and Tories, of this country, and all Scotland with-

out exception." The character of the natives of this latter country is treated with unsparing derision; and to crown the miserable situation of the king, he is informed that the great body of his army is disaffected, and might with little difficulty be induced to co-operate in any measure by which the security of the government was meant to be undermined.

The advice, therefore, which the author deduces from the whole of this review is, that parliament should be dissolved; the existing ministry dismissed; that the king should come forward, and humbly and penitently tell his subjects that he had all along been in a grievous mistake; and that, as a motive to this line of conduct, he should never cease to remember, that as the "crown of these kingdoms had been obtained by one revolution, it might be lost by another."

Such is the train of thought which pervades this letter; and it is a train of reflection which there is reason to believe was not peculiar to Junius, but had been frequently pursued by many men of the most honourable and even moderate views. It was not, however, the train of remark which gave to this letter its revolting character, but the sarcastic and insulting tone with which the conduct and designs of a person whose feelings and views should ever be regarded with tenderness and respect were treated. For this tone it is not possible to devise any excuse. But, at the same time, it may be our wisdom to remember, that the character of the sovereign, against whom these reproaches were directed, had not then had time to develope the bright assemblage of virtues, which afterwards, amidst the most trying circumstances, often made him the boast and security of his people; that a great change was attempted to be brought about in the habits and views of all the speculators on politics, with which this kingdom abounded; and, lastly,

that the very enormity of our author's offence diminished its practical evil, and will probably render it, in all future times, an unrivalled instance of perfect fearlessness, or of unprincipled malignity.

“ When I saw the attack of Junius upon the king,” says Mr Burke, in the passage we have already repeatedly quoted, “ I own my blood ran cold. I thought he had ventured too far, and there was an end of his triumphs. But while I expected in this daring flight his final ruin and fall, behold him rising still higher, and coming down souse upon both houses of parliament.” In his thirty-ninth letter Junius had reviewed the proceedings of that session of parliament which had then closed ; and, treating the united wisdom of the legislature with the same high tone of superiority, in which he had addressed himself to the ministry and to the sovereign, he has not scrupled to arraign all the measures of parliament, and to treat all its members as traitors to the cause they were chosen to maintain. The affairs of Ireland had met with no due consideration ; the discontents of the colonies had not been judiciously treated ; Lord North's schemes of finance had been puerile and futile ; and the king continued to be the slave of those evil counsellors whose folly or ambition had occasioned all the disasters of the nation. But, above all, the attack which had been made upon the constitutional rights of the people, by the proceedings relating to the election of Wilkes, had met with no remedy ; and this was the sore evil, the crying political sin of the times. “ At any other period,” says our author, “ I doubt not, the scandalous disorders which have been introduced into the government of all the dependencies of the empire would have roused the attention of the public. The odious abuse and prostitution of the prerogative at home ; the unconstitutional employment of the ministry ;

the arbitrary fines and commitments by the House of Lords and Court of King's Bench ; the mercy of a chaste and pious prince extended cheerfully to a wilful murderer, because that murderer is the brother of a common prostitute, would, I think, at any other time, have excited universal indignation. But the daring attack upon the constitution, in the Middlesex election, makes us callous and indifferent to inferior grievances. No man regards an eruption upon the surface when the noble parts are invaded, and he feels a mortification approaching to his heart. The free election of our representatives in parliament comprehends, because it is, the source and security of every right and privilege of the English nation. The ministry have realized the compendious ideas of Caligula. They know that the liberty, the laws, and property of an Englishman, have in truth but one neck, and that to violate the freedom of election strikes deeply at them all."

With regard to the letter addressed to Lord Mansfield, which is the forty-first of the ordinary editions, the author thus expresses himself in one of his private notes addressed to his printer :—" The enclosed, though begun within these few days, has been greatly laboured. It is very correctly copied, and I beg you will take care that it be literally printed as it stands. I don't think you run the least risk. We have got the rascal down, let us strangle him if it be possible." Junius indeed had many reasons to be dissatisfied with Lord Mansfield. That most distinguished nobleman was not only a Scotchman, and consequently exposed to all the scorn with which Junius professes, upon all occasions, to regard the natives of that country, he was also the most distinguished, and able, and firm supporter of those political views which Junius had employed all his powers to oppose. Lord Mansfield was the person by whom the great talents of Lord Chatham on the side of opposition were ba-

lanced, with at least talents of equal power, devoted to the support of opposite doctrines ; and not only the high powers of this judge, but the splendid eloquence and graceful elocution, the authoritative tone with which he delivered his opinions, and the weight which his great and varied accomplishments gave him with all orders of the state, marked him out as a person worthy of being exposed to the severest shafts of that irony which Junius had then been sending forth with irresistible effect. In addition to all this, it must be remembered, that Lord Mansfield had presided at the trial of Woodfall for printing the letter of Junius to the king ; and that his whole conduct on that occasion was calculated to make the author of that letter his determined and implacable enemy.

The object of the letter, accordingly, which Junius now addressed to that judge, was to represent him, in the first place, as a person who should have been odious to the monarch, because he was a Scotchman, and had been a Jacobite ; in the second place, as a judge who had on all occasions shown a decided preference to an arbitrary and despotic interpretation of the laws ; and, in the last place, as a statesman who carried the spirit, at least, of his early predilections along with him, and who sought to give to the constitutional sovereignty of the house of Brunswick the same high and revolting tone which had proved fatal to the exploded tyranny of the Stuarts. There is scarcely any one of the Letters that appears to us to be written with more skill—that is less mingled with those small facts and private transactions, which frequently render the perusal of the Letters tedious and unpleasing—or from which, therefore, an ordinary reader is likely to rise with a clearer insight into the views of the author, or with a juster idea of his peculiar kind and degree of merit. The following passage, which occurs near the end of the letter, may be taken as

a sample :—" In public affairs, my lord, cunning, let it be ever so well wrought, will not conduct a man honourably through life. Like bad money, it may be current for a time, but it will soon be cried down. It cannot consist with a liberal spirit, though it be sometimes united with extraordinary qualifications. When I acknowledge your abilities, you may believe I am sincere. I feel for human nature, when I see a man, so gifted as you are, descend to such vile practices. Yet do not suffer your vanity to console you too soon. Believe me, my good lord, you are not admired in the same degree in which you are detested. It is only the partiality of your friends that balances the defects of your heart with the superiority of your understanding. No learned man, even among your own tribe, thinks you qualified to preside in a court of common law. Yet it is confessed, that under Justinian you might have made an incomparable prætor. It is remarkable enough, but I hope not ominous, that the laws you understand best, and the judges you affect to admire most, flourished in the decline of a great empire, and are supposed to have contributed to its fall."

The forty-fourth letter, on the nature of parliamentary privilege, and the power of the two houses to commit for a breach of that privilege, is, perhaps, in a constitutional light, one of the most curious of our author's speculations. The following passage will sufficiently shew the purport and spirit of the letter :—" The constitutional duties of a House of Commons are not very complicated nor mysterious. They are to propose or to assent to wholesome laws for the benefit of the nation—they are to grant the necessary aids to the king—petition for the redress of grievances—and prosecute treason or high crimes against the state. If unlimited privilege be necessary to the performance of these duties, we have reason to conclude, that, for many

centuries after the institution of the House of Commons, they were never performed. I am not bound to prove a negative ; but I appeal to the English history, when I affirm that, with the exception already stated (which yet I might safely relinquish), there is no precedent, from the year 1265 to the death of Queen Elizabeth, of the House of Commons having imprisoned any man (not a member of their own House,) for contempt or breach of privilege. For the most flagrant cases, and when their acknowledged privileges were most grossly violated, the poor Commons, as they then styled themselves, never took the power of punishment into their own hands. They either sought redress by petition to the king, or, what is more remarkable, applied for justice to the House of Lords ; and when satisfaction was denied them or delayed, their only remedy was to refuse proceeding upon the king's business. So little conception had our ancestors of the monstrous doctrines now maintained concerning privilege, that in the reign of Elizabeth, even liberty of speech, the vital principle of a deliberative assembly, was restrained, by the queen's authority, to a simple aye or no ; and this restriction, though imposed upon three successive parliaments, was never once disputed by the House of Commons."

Respecting the forty-ninth letter, which is addressed to the Duke of Grafton, the author thus speaks in one of his private notes :—" I am strangely partial to the enclosed. It is finished with the utmost care. If I find myself mistaken in my judgment of this paper, I positively will never write again." Perhaps there are few readers, who, without this hint, would have selected the letter to which it refers as one of the very best in the collection. But an attentive perusal of it will shew, that its vein of irony is deeper and more powerful than that which Junius usually displayed. It is in its

sarcasm only, however, that its merit consists ; for it is not remarkable as an elucidation of any general principle.

In the course of the fiftieth letter, which is also addressed to the Duke of Grafton, Junius had repeatedly insinuated that the Rev. Mr Horne had been brought over to the ministerial side, and that he had evinced his new partialities by having zealously exerted himself in support of the ministerial nomination of sheriffs. Mr Horne was not the man to have been easily baffled, even if his ground had been doubtful or difficult ; but, in the present instance, a charge had been made which he knew to be unfounded, and he was not so poor a dialectician as to lose the advantage which the rash assertion of his antagonist had given him, by consenting to meet him amidst the delusive intricacies of general declamation, or in a vain display of their common talent for sarcasm. He accordingly declared, that he put the matter fairly to issue between himself and his opponent. “ I say,” continues he, “ that so far from any new zeal in support of administration, I am possessed with the utmost abhorrence of their measures ; and that I have ever shown myself, and am still ready, in any rational manner, to lay down all I have—my life—in opposition to those measures. I say that I have not, and never have had, any communication or connexion of any kind, directly or indirectly, with any courtier or ministerial man, or any of their adherents : that I never have received, or solicited, or expected, or derived, or do now hope for, any reward of any sort, from any party or set of men in administration or opposition. I say that I never used any endeavours in support of the ministerial nomination of sheriffs.

“ You are bound,” continues he, “ to refute what I have advanced, or lose your credit for veracity. You must produce facts : surmise and gene-

ral abuse, in however elegant language, ought not to pass for proofs."

This was really putting the matter to issue. But Junius felt that he had proceeded too far. Surmise and general abuse, in fact, were all that he had to offer; and even in these, the consciousness that he was disadvantageously posted, and against a skilful enemy, seems to have taken away no small portion of his power. He attempted, however, to withdraw the watchfulness of his opponent from the strong point which he had selected. But that opponent knew both the power and the craft of his enemy; and, standing firm on the ground which he had chosen, he thus concluded the controversy:—"You brought a positive charge against me of corruption. I denied the charge, and called for your proofs. You replied with abuse, and re-asserted your charge. I called again for proofs. You reply again with abuse only, and drop your accusation. In your forty-ninth letter there is not one word upon the subject of my corruption."

We are not of the opinion of those who think that in this debate Mr Horne had the advantage of Junius even in point of language. The awkward situation in which Junius felt himself may perhaps have taken something both from the firmness of his tone, and from the care with which he expressed himself. But the superior elegance of our author appears, to us at least, still conspicuous, even when he is set in opposition to the high philological talents of the author of the *Diversions of Purley*; and without thinking that Horne Tooke was an inelegant or careless writer, we do think that in both these qualities Junius was, even in his least studied moods, by much his superior.

We are disposed to think, however, that Junius actually felt sore during this controversy; and that it is to this soreness that we are to attribute the unusually coarse and unbecoming language in which

he has repeatedly expressed himself respecting the king, in these letters addressed to Mr Horne. We quote but the following passage as a sample of several similar ones which occur during this controversy:—"You cannot but know, nay, you dare not pretend to be ignorant, that the highest gratifications of which the most detestable —— in this nation is capable, would have been the defeat of Wilkes. I know that man much better than any of you. Nature intended him only for a good-natured fool. A systematical education, with long practice, has made him a consummate hypocrite. Yet this man, to say nothing of his worthy ministers," &c. Had Junius always spoken in the same unguarded tone, we have too high an opinion both of the good sense and good feeling of the British people, to believe that he could for any length of time have maintained his popularity, even with all the advantages which he derived from his attic style and unrivalled irony.

The fifty-ninth letter, on what the author calls the unhappy differences which had arisen among the Friends of the People, and with which he originally intended to have concluded his publications under the name of Junius, may still, in some respects, be regarded as the concluding letter of the volume. For it is evidently by it that his plan is finished; the letters which he afterwards added being merely explanatory of hints thrown out during his previous discussions. By considering this letter as his farewell address, we also gain this advantage, that we are able to contemplate the work as a regular whole—commencing with a review of the different branches of administration; proceeding afterwards to discuss the conduct of those who held the first offices, or had been employed in the most important negotiations; treating even majesty itself with unceremonious freedom; venturing, with, perhaps, still greater audacity, to arraign the conduct

of both houses of parliament ; and, finally, closing with an animated remonstrance to all who were heartily interested in the welfare of the people, to lay aside their petty and partial jealousies, and to unite with one heart and one hand, in asserting those rights which they were instructed to consider as having been trampled on and broken down. No valuable portion of the work perhaps would have been lost by actually concluding it in this manner ; and the reader, accustomed to admire the exact symmetry of design displayed in the individual letters, would have felt the same pleasing sensation from considering the plan of the work as a whole.

The following extracts from this letter will sufficiently put the reader in possession of the principle which the author wished to inculcate :—“ It is time for those who really mean the *cause* and the *people*, who have no view to private advantage, and who have virtue enough to prefer the general good of the community to the gratification of personal animosities ; it is time for such men to interpose. Let us try whether these fatal dissensions may not yet be reconciled ; or, if that be impracticable, let us guard, at least, against the worst effects of division, and endeavour to persuade these furious partizans, if they will not consent to draw together, to be separately useful to the cause which they all pretend to be attached to. Honour and honesty must not be renounced, although a thousand modes of right and wrong were to occupy the degrees of morality between Zeno and Epicurus. The fundamental principles of Christianity may still be preserved, though every zealous sectary adheres to his own exclusive doctrine, and pious ecclesiastics make it part of their religion to persecute one another. The civil constitution too, that legal liberty, that general creed which every Englishman possesses, may still be supported, though Wilkes and Horne, and Townshend and Sawbridge, should

obstinately refuse to communicate ; and even if the fathers of the church—if Saville, Richmond, Camden, Rockingham, and Chatham, should disagree in the ceremonies of their political worship, and even in the interpretation of twenty texts in *Magna Charta*. I speak to the people as one of the people. Let us employ these men in whatever department their various abilities are best suited to, and as much to the advantage of the common cause as their different inclinations will permit. They cannot serve us without essentially serving themselves.” In another part of the same letter, the author has thus shortly expressed the same general principles :—“ I mean only to illustrate one useful proposition, which it is the intention of this paper to inculcate,—That we should not generally reject the friendship or services of any particular man, because he differs from us in a particular opinion.”

This letter, we have said, is followed by several others, which were all written after the author had actually begun to print the series he had already finished, and in which his opinions, both respecting particular events that had recently occurred, and respecting some general principles to which he had formerly alluded, are stated and explained at greater length. The letter to Lord Mansfield is entirely taken up with a detailed proof, from history and statute, of the assertion, that a felon, when taken in the fact, with the stolen goods upon him, and making no defence, is not bailable by the laws of England. The object of the letter to Lord Camden, with which the volume concludes, seems to have been to induce his lordship to lend his aid in throwing ignominy upon Lord Mansfield, who had recently bailed a person found in an act of felony, under all the circumstances mentioned in the preceding sentence. The work is concluded with the following general reflections, the expression and manner of which are in the highest degree charac-

teristic of our author, and the spirit of which he evidently meant to be regarded as an evidence, that, amidst the unparalleled freedom of discussion, in which, during the course of these Letters, he had engaged, he had been actuated solely by a desire to promote the moral improvement of his countrymen : “ Grateful as I am to the good Being whose bounty has imparted to me this reasoning intellect, whatever it is, I hold myself proportionably indebted to him from whose enlightened understanding another ray of knowledge communicates to mine. But neither should I think the most exalted faculties of the human mind a gift worthy of the Divinity, nor any assistance in the improvement of them a subject of gratitude to my fellow-creatures, if I were not satisfied, that really to inform the understanding corrects and enlarges the heart.”

This review, it is hoped, may be useful to the reader, both by giving him a connected view of the principles which the author wished to inculcate, and by pointing out to him those particular letters to which the others are but subordinate ; and to the perusal of which, therefore, if he really wishes to understand and to feel the merits of our author, his chief attention should be given.

DISSERTATION III.

I.—ON THE STYLE OF JUNIUS.

THE style of Junius may justly be considered as his highest excellence, and that, indeed, which has compensated, in the opinion of the public, for all his faults. Even his adversaries, and at the very moment when his satire and invective were pro-

ducing their most powerful effect, never failed to compliment him on the classical correctness, the attic wit, the figurative beauty, and manly power of his language. Indeed, it is the general impression in his favour which these qualities have produced upon the public mind, that has given to his works their place among the classical productions of Britain, and rendered them a necessary article of study to all accomplished and well-educated youths.

We are not aware, however, that the style of this author has ever been analyzed with the same accuracy and precision, which have been employed upon the compositions of most of our other celebrated writers. The encomiums which have usually been pronounced upon it, seem either to have consisted of general expressions of admiration from which little could be learned, or have ascribed excellencies to our author which he does not possess; and the consequence necessarily has been, that those who come to the study of his works, after having had their minds imbued with these general expressions of applause, have uniformly found that they had formed not only an inadequate, but an erroneous, idea of his merits, and that they have to make themselves acquainted with the excellencies which he really possesses, by a careful and critical attention to all the peculiarities of his diction.

The fact is, that among styles possessing equal degrees of excellence, there are some of which it is easy to give a definition, and there are others which can only be correctly described by a very nice and careful exercise of the critical powers. In the style of Burke, for instance, no person can fail to be struck with the copiousness and freedom of his diction—the splendour and great variety of his imagery—his astonishing command of general truths—and the ease with which he seems to wield those fine weapons of language, which other wri-

ters are only able to manage by the most anxious care. In the style of Johnson, all the world has recognised the pomp of his declamation—the high tone in which he announces very common remarks—the measured monotony of his cadences—and his fondness for high-sounding and *sesqui-pedalian* words. The language of Lord Chatham, if we may judge from the reported copies of his speeches, was remarkable for an energetic, unstudied, declamatory structure, which fitted it, above that of all his contemporaries, for accomplishing the purposes of public debate. The speeches of Grattan are specimens of powerful, compressed, splendid, and majestic diction, which mark him out at once as a speaker who could occasionally electrify his hearers by the force and magnificence of his ideas, or by the high tone and power of the words in which he clothed them ; and in the speeches of many of our contemporaries, who have gained by their eloquence the most flattering of all influences over the minds of the public, every person accustomed to the study of such exhibitions, at once perceives the various shades of individual genius, and can tell with much exactness by what peculiarities one author or orator is distinguished from another. But the qualities of style are as infinite, and its degrees of excellence as many, as are those of the reasoning and feeling power of whose operations it is the expression ; and if there are styles, accordingly, which it is easy to distinguish and to define, because their peculiarities are prominent and removed from the essential qualities of the language, there are others which are so blended and incorporated with the shades of emotion and of thought,—which give you so much an idea, not of the manner in which the author expresses himself as of that in which he thinks and feels,—and which may therefore be said to have few striking peculiarities, unless considered in their relation to the mind of the author, that it is one of

the finest exercises of critical skill to point out the qualities whence they derive their character. We are far from pretending that in the following remarks we have accomplished this task; but we apprehend that our author is one of those whose style can only be correctly appreciated by such an exertion of skill, and that it is the reluctance or want of power to put forth such an exertion, which has prevented his manner from having been so exactly ascertained, as in the case of an author of so much distinction we should have expected it to have been.

The studied energy and great compression of his language are the first qualities that will strike the reader who has just entered on the perusal of Junius. There is not only no superfluous sentence, but there is no superfluous word in any of his sentences. He seems, in fact, to have aimed at this quality with the greatest care; and as it was suited to the style and character of his mode of thinking, it was also most happily accommodated to the high attitude which he assumed, as the satirist and judge not of ordinary men or common authors, but of the most elevated and distinguished personages and institutions of his country; of a person who seemed to feel himself called on to treat majesty itself with perfect freedom; and before whom the supreme wisdom and might of the great councils of the state stood rebuked and in fear. From a person having such pretensions, we expect nothing that is trifling, and nothing even that is superfluous—every word that he utters must be full of meaning, and every sentence must carry its own evidence along with it; he must speak with the energy and brevity of an oracle, and the power of his words must seem to be as much above that of those employed by common men, as the office assumed by him who uses them has in it an authority and pretension, before which all other dignities stand abased.

We should form an erroneous idea of Junius, however, if, from this energy and simplicity of the style imputed to him, we should imagine that he is therefore an argumentative writer. The slow processes of reason would have been as unsuitable to the grandeur of his office, as the tedious march of ordinary language. An author, who takes upon him to reprove all that is high, and wise, and learned, must seem to utter only truths which cannot be disputed, and which require no support of skilful argument to establish them; he must flash conviction by every word which he utters, and must seem only to deal in those comprehensive and luminous principles, which ordinary minds cannot reach, but which prove their truth by the inherent light that seems to illuminate all their parts. Such, accordingly, is the style in which Junius indulges. As it was beautifully remarked of another mind of the same order, "he lightens rather than reasons on his subject;" he throws out flashes from his mind that enable others to see to a greater extent and with a purer vision than they had ever seen before; instead of condescending to offer a reason for his opinions, he trusts for their reception to the evidence with which his masterly words surround them; and when he has fixed the attention of his reader on some distinction that had been overlooked, or some constitutional principle that was neglected, he seems to take it for granted, that when stated in the language which he has employed, and urged with the vigour which he can put forth, there is *no* mind which must not see their importance, and no heart that must not assent to their value.

The power of Junius, however, in stating general truths, is extremely different from that of Burke. The writings of this last author are replete with maxims in which the substance of volumes is frequently compressed within a very narrow space;

but these maxims have, on this very account, a generality and comprehension which enable them to be applied to many different things; they are expressions of results, which the mind of the author had derived from a wide survey of all human knowledge and human occupations, and resemble those general laws, according to which the infinite variety of Nature's operations is conducted. Junius has no such comprehensive range of view; but he darts his eye upon a single point, and light and evidence seem to proceed from his glance: he carries illumination as far as within that space it can be carried; or, if he sometimes gives a false or distorted view of the objects which it embraces, it is always, however, such a view as shews his object in vivid colours, and gives a high idea of the power that had enlightened it.

We apprehend, however, that there is none of all the powers which Junius has displayed, that is so peculiarly and entirely his own as his power of sarcasm. Other authors deal occasionally in this article; but, whenever Junius rises to his highest sphere, he assumes the air of a being who delights to taunt and to mock his adversary—he refuses to treat him as a person who should be seriously dealt with, and pours out his contempt or indignation under an imposing affectation of deference and respect. His talent for sarcasm, too, is of the finest kind; it is so carefully but so poignantly exerted, that it is necessary to watch his words to perceive all the satire which they contain: we have thus an impression that the author is only speaking in his natural style when he is employing a mode of annoyance which it requires the utmost address and skill to manage; but when his irony is perceived, it strikes like a poniard, and the wound which it makes is such as cannot be closed. There is, indeed, no author with whom we are acquainted who possesses this quality in the same perfec-

tion, or who has exerted it with the same effect ; and we are of opinion, that as it was this peculiarity which originally gave to his writings their astonishing influence, it still continues to be the quality by which they are most remarkably distinguished from all other compositions.

The beginning and conclusion of most of the Letters, of those, at least, the object of which is a personal attack, are characterized by this quality. But his letters to the Duke of Grafton and Duke of Bedford are replete with it ; and from these we shall only present one or two extracts as a sample.

Of the Duke of Grafton, who was descended from Charles II., he thus speaks :—" The character of the reputed ancestors of some men has made it possible for their descendants to be vicious in the extreme without being degenerate. Those of your grace, for instance, left no distressing examples of virtue, even to their legitimate posterity ; and you may look back with pleasure to an illustrious pedigree, in which heraldry has not left a single good quality upon record to insult or upbraid you. You have better proofs of your descent, my lord, than the register of a marriage, or any troublesome inheritance of reputation. There are some hereditary strokes of character by which a family may be as clearly distinguished as by the blackest features of the human face. Charles I. lived and died a hypocrite. Charles II. was a hypocrite of another sort, and should have died upon the same scaffold. At the distance of a century we see their different characters happily revived and blended in your grace. Sullen and severe without religion, profligate without gayety, you live like Charles II., without being an amiable companion ; and, for aught I know, may die as his father did, without the reputation of a martyr."

The following, which is the commencement of his letter to the Duke of Bedford, 19th September,

1769, is a still more exquisite specimen of the same talent :—" My lord, you are so little accustomed to receive any marks of respect or esteem from the public, that if in the following lines a compliment, or expression of applause, should escape me, I fear you would consider it as a mockery of your established character, and perhaps an insult to your understanding. You have nice feelings, my lord, if we may judge from your resentments. Cautious, therefore, of giving offence where you have so little deserved it, I shall leave the illustration of your virtues to other hands. Your friends have a privilege to play upon the easiness of your temper, or probably they are better acquainted with your good qualities than I am. You have done good by stealth. The rest is upon record. You have still left ample room for speculation, when panegyric is exhausted."

Junius is commonly said to be remarkable for the fierceness of his style; and if by this it is meant, that he sets all men at defiance, and interrogates with equal freedom a duke or a king—a prime minister, or a house of parliament—the charge is just. But any thing like fierceness, in the common acceptation of that term, that is, of an enraged and ungovernable spirit, would not have accorded with the purpose for which Junius wrote, and really does not characterize his writings. On the contrary, he assumes the air of a man who has a right to look down on the highest and most powerful of the land; when offended, therefore, he disdains to shew that he can be put into a passion; and his indignation and contempt are expressed, not by violent and furious declamation, but by language carefully weighed and sarcastically constructed, but every word of which is full of power, and which carries, in every syllable, a dagger to the heart. A hurried and unmeasured style, and still more, a passionate and enraged tone, would

have taken from the effect of his invective, by shewing that he had no right, from the firmness of his own temper, to sit as a judge upon the failings of others.

There is a most important difference between an ornamented and a polished style, though this difference is not always attended to in the writings of critics, and has been particularly neglected by those who have attempted to state the merits of Junius. In a style of the former kind, the chief attention is paid to the language—figures are employed not so much for the purpose of illustrating a subject as of decorating it—words are arranged in every variety of form to evince the command which the author possesses over them, rather than to evolve the scope of his subject; and the whole character of the composition shows not only that the language formed a principal part of the author's care, but that he meant it to be so considered. In a polished style, on the other hand, the care of the author is not to show his mastery over words, but to adapt them, in the best possible manner, to the meaning he would express—he is attentive to his language, and may be so in the very highest degree, but it is only that his language may be a perfect vehicle of his thoughts and feelings; and in combining these, his object is much rather that the former should seem to pass entirely into the latter, than that any attention should be drawn to it for its own sake. It is hence that I would not call the language of Junius an ornamented, but a polished style; he is not remarkable for seeking to dazzle his reader by florid diction, any more than to bewilder him by the prolixity of his sentences; but he has, evidently, wrought up his language with most assiduous care, and has endeavoured to give it all the perfection which might most powerfully convey his meaning, without permitting the reader to imagine, for one moment, that his attention should be

diverted from the subject discussed to the language in which that discussion is conveyed. The style of Junius, in short, is not the ornamented and finely gilded scabbard of his poniard, nor even the hilt richly embossed and highly set; it is the weapon itself, burnished into resplendent brightness, and drawn into an edge which nothing can resist.

Yet Junius is far from disdaining the use of figures. His frequent use of them, on the contrary, is one of the characteristics of his style. But then it is seldom that he employs a complete metaphor; his imagery seems merely to flash upon his mind in the course of his rapid and animated invective, and is incorporated with his language, rather for the purpose of giving it energy and illustration, than of dressing it out in colours to catch the vulgar eye. His metaphors, in short, are exactly such as will occur to every mind that is wrought up to a high pitch, when ordinary language is incapable of expressing the vividness of emotion, and recourse is had to any striking resemblance that suggests itself, without much solicitude, on the part of the writer, whether his image be correct in itself, or fitly applied to the subject he is illustrating.

Some of the metaphors of this author have, accordingly, been taxed with incorrectness; and we cannot but agree with the reprobation expressed by Hamilton, of the management of the figures in the following sentence of our author's letter to the Duke of Grafton:—"Marriage is the point on which every rake is stationary at last; and truly, my lord, you may well be weary of the circuit you have taken, for you have now fairly travelled through every sign of the political zodiac, from the *scorpion* in which you stung Lord Chatham, to the hopes of a *virgin* in the house of Bloomsbury." Nor is the following, from another letter, addressed to the same minister, more correctly managed:—"Lord

Bute found no resource of dependence or security in the proud imposing superiority of Lord Chatham's abilities—the shrewd inflexible judgment of Mr Grenville—nor in the mild but determined integrity of Lord Rockingham. His views and situation required a creature void of all these properties; and he was forced to go through every division, resolution, composition, and refinement of political *chemistry*, before he happily arrived at the *caput mortuum* of vitriol in your grace. Flat and insipid in your retired state, but brought into action you become vitriol again.”

Some of his metaphors, however, are both beautiful and correct:—“The king's honour is that of his people. Their real honour and real interest are the same. I am not contending for a vain punctilio. Private credit is wealth. Public honour is security. The feather that adorns the royal bird supports its flight. Strip him of his plumage, and you fix him to the earth.” And again, “In the shipwreck of the state, trifles float and are preserved, while every thing solid and valuable sinks to the bottom, and is lost for ever.” And to give but one instance more, “I turn with pleasure from that barren waste, in which no salutary plant takes root, no verdure quickens, to a character fertile, as I willingly believe, in every great and good qualification.”

The true explanation of the incorrectness which he sometimes allowed in his metaphors is, that he neither sought nor valued them as metaphors, but that they forced themselves on him in the course of his animated invective, and were admitted as incidental ornaments on the general polish of his style. But in the harmony, and beautiful, though rapid flow of his language, he has never been surpassed. Amidst all the vigour and energy of his style, there is nothing abrupt—nothing inharmonious. His sentences follow each other like the waves of a con-

tinuous but powerful stream, and while the understanding is carried onward, the ear is charmed, and the fancy soothed into a delicious reverie. There is no part of his composition from which an illustration of this flow might not be taken; for his taste was evidently too delicate in this respect to permit him, even in one instance, to become harsh or unmelodious. We may therefore take as an instance the conclusion of his letter to Lord Camden, which is also the last to which the signature of Junius was affixed. Speaking of the difficulty of disfranchising rotten boroughs, he thus proceeds:—"For argument's sake, I will now suppose that the expediency of the measure and the power of parliament are unquestionable; still you will find an insurmountable difficulty in the execution. When all your instruments of amputation are prepared, when the unhappy patient lies bound at your feet, without the possibility of resistance, by what infallible rule will you direct the operation? When you purpose to cut away the rotten parts, can you tell us what parts are perfectly sound? Are there any certain limits, in fact or theory, to inform you at what point you must stop, at what point the mortification ends? To a man so capable of observation and reflection as you are, it is unnecessary to say all that might be said upon the subject. Besides that, I highly approve of Lord Chatham's idea of infusing a portion of new health into the constitution, to enable it to bear its infirmities (a brilliant expression and full of intrinsic wisdom), other reasons concur in persuading me to adopt it.—

"The man who fairly and completely answers this argument shall have my thanks and my applause. My heart is already with him. I am ready to be converted. I admire his morality, and would gladly subscribe to the articles of his faith. Grateful as I am to the good Being whose bounty has imparted to me this reasoning intellect, what-

ever it is, I hold myself proportionably indebted to him, from whose enlightened understanding another ray of knowledge communicates to mine. But neither should I think the most exalted faculties of the human mind a gift worthy of the Divinity, nor any assistance in the improvement of them a subject of gratitude to my fellow-creature, if I were not satisfied, that really to inform the understanding corrects and enlarges the heart."

It is not to be imagined, however, that it is from detached passages that any just idea can be formed of the merits of the composition of this author. It is the plan and management of the whole—the order and arrangement of the individual letters, that give them their true merit. Each of these is an invective formed on the most perfect model, and executed with consummate skill. The facts and arguments of the author will seldom bear to be closely examined. But taking his facts and admitting his arguments, nothing can be conceived more powerful or exquisitely conducted than the train of observation by which he has enforced them. And he, therefore, who hopes to form a correct idea of the merit of Junius, must be able, not merely to weigh the import, or to estimate the beauty of particular sentences, but to survey with a glance the whole meaning of each letter, and to feel what must have been the power of that mind, which on facts and reasonings that have convinced nobody, has yet raised a structure that has commanded the admiration of the world.

We have but one other remark to make on this department of our work. It would be in the highest degree erroneous to suppose that we consider the style of Junius, with all its excellencies, as a model for general imitation. It wants nature. It wants that sober, didactic, and perfectly chaste character, which must belong to every work that deserves such a recommendation. It is too epigram-

matic—too much characterized by the tone of invective—and too strongly compressed—to be used by any mind but one similar to that of the original author, and we may add, for purposes resembling those for which he employed it. Few authors accordingly have attempted to imitate the style of Junius—and the few that have attempted it have not succeeded. His style was exquisitely fitted for the purpose to which he destined it, and should be studied, carefully and repeatedly, by those who would see the English language in one of its happiest forms. But the nerve of Junius must belong to the man who can hope to use successfully the instrument which he used ; for that instrument was fitted to his grasp, and among ordinary men there are but a few who can pretend to wield it.

II.—ON THE TEMPER DISPLAYED IN THE LETTERS OF JUNIUS.

WE are not aware that any person has ventured to offer an explicit vindication of the spirit in which these Letters are written. On the contrary, notwithstanding the eagerness with which they were originally perused by the public, they received at their first publication the marked disapprobation of all enlightened and sound-minded men ; and the general impression undoubtedly has always been, that they are not more distinguished by the beauty of their style, and by the high courage from which they must have proceeded, than by the utter defiance which they gave to all the established maxims of literary warfare, and even to all the decencies of civilized life.

But although no writer has ventured directly to represent this impression as unfounded, it is also plain, that attempts have recently been made to take something from the odium which it was fitted to awaken ; and that writers who either hold the same

political tenets with our author, or have been led to take a particular interest in his works, have endeavoured to withdraw the public attention from the unjustifiable spirit which they display, by either slightly noticing their offences, or by sinking all sense of the enormity of their guilt in an unbounded admiration of their literary excellencies.

As instances of the different feelings which are at this day cherished upon this subject, we may notice the following passages from authors who have recently written. A historian,* whose general principles of politics are not very different from those which Junius himself approved, has thus expressed himself when noticing the first publication of the Letters:—"Amidst the innumerable multitude of political publications in which the conduct of the present administration was arraigned in the bitterest terms of severity, the national attention was particularly attracted by a series of letters appearing under the signature of Junius, and written in a style so masterly as to be generally deemed, in point of composition, equal to any literary productions in the English language. They consisted, however, of little else than splendid declamation and poignant invective, and discovered a cool and deliberate malignity of disposition, which, now the passions and follies of the day have vanished, and given place to other passions and other follies, must excite disgust at least proportionate to our admiration."—And in a note on this passage, the author adds, "This writer did not hesitate, in numerous instances, to insinuate charges the most heinous and criminal against persons the most distinguished in life, without pretending to support them, though repeatedly and loudly called upon, by even the shadow of a proof. Of the Duke of Bedford, he

* Mr Belsham.

says, speaking of the treaty of peace, it is not possible that so many public sacrifices should have been made without some private compensation. The Princess Dowager of Wales, he compares to the abandoned royal innamorata of the detested Mortimer. Sir William Draper he accuses of having sold the companions of his victory—the Duke of Grafton of betraying Lord Rockingham, and sacrificing Lord Chatham, and in a tone of still more impudent and contemptible abuse, of having, as ranger of one of the royal forests, refused the king's timber to the royal navy. When a man brings forward anonymous accusations of this nature, and basely shrinks from the subsequent investigation, he stands recorded," continues our author, "to all future times, a *liar*, an *assassin*, and a *coward*."

As an instance of the opposite manner of considering this matter, we select the following passage from many others of the same general cast, which have lately come under our inspection. Speaking of a distinguished political personage recently deceased, but who was alive at the time when the charge was made, as being, in all probability, the writer of the Letters, the author of that "discovery" thus concludes his work:—"It is said that he," that is, the distinguished individual who is supposed to have been the author, "is angry at the charge,—that would be folly. Events, over which he had no control, paved the way for the discovery; and a person who had never seen him, or his hand-writing, or had a word of intelligence from any one concerning him, became the innocent herald of it. Can there be a stronger proof of the impossibility of further concealment? Let him then console himself with the thought that he has kept his secret as far as it depended on himself. It was calculated to last out a long life, but he has happily outlived it. Now, having ably and consistently ful-

filled his part, he appears in his natural character before the curtain drops, and will retire amid the plaudits of an admiring people."

It is true, that the conclusion of this last paragraph may have had a more particular allusion to the part which the individual spoken of has acted in what the writer calls his natural character, and may not, therefore, altogether compromise the writer's opinion respecting the spirit of the Letters. At the same time, the passage displays a feeling of forbearance which is not consistent with any opinion of high demerit having been incurred under the author's fictitious character; and, most assuredly, if the writer had entertained the same opinion with the historian from whose work our first quotation was made, he could not have expressed himself as he has done.

Amidst this diversity of opinion, then, a doubt may arise in the mind of the reader as to the light in which he ought to view the spirit manifested by the Letters. Was the whole of the odium which Junius incurred, but the natural ebullition of selfishness or fear on the part of those who had either smarted under his lash, or who dreaded its infliction? and is the very fact of such odium having been awakened, but a proof that the satirist had effectually fulfilled the task to which he applied himself, and vindicated his title to be the political censor of the times in which he lived? And ought we now, therefore, only to admire him the more, because he was not turned aside by fear, or by any ordinary delicacy, from his great duty? or, if blame may in some degree attach to him, is his offence to be viewed as merely an unavoidable extravagance in a course that was otherwise direct and justifiable? Or are we rather, with the author from whom we first quoted, to consider the writer of the Letters as having been guilty of a *crime* of no ordinary magnitude, as having justly subjected himself to the

imputation of being a *liar*, an *assassin*, and a *coward*, and as having done that, therefore, for which every good man would be disposed, humbly and contritely, to ask pardon both of God and of man, before “the curtain should drop,” and the scene on which he had acted so conspicuous a part should close on him for ever?

Before giving any direct answer to these questions, we are ready to admit, that there is a degree of vigour and of spirit, without the display of which no man who assumes the office of a public censor can hope to execute his office with success; and that, whether political or literary offences be the objects of his attack, his weapons will fall without effect, unless they are directed by such a strong and fearless hand as this concession supposes. We will further admit, that in the discussion of measures, and even in the criticism of literary productions, it is not always easy to avoid personal reflections,—that without such an application, indeed, the justest censures are apt to fall ineffectual to the ground; and that especially when there is a great object to be gained, which in other respects is good and laudable, the maxim of Pope, as quoted by Junius, may be justified, “That to reform and not to chastise is perhaps impossible, and that the best precepts, as well as the best laws, would prove of no use, if there were no examples to enforce them. To attack vices in the abstract,” continues this author, “without touching persons, may be safe fighting indeed, but it is fighting with shadows. My greatest comfort,” he adds, “and encouragement to proceed, has been, to see that those who have no shame, and no fear of any thing else, have appeared touched by my satires.”

But having made these concessions, we must go on to insist, that there is all the difference in the world between a vigorous chastisement of crimes which have been committed, and the imputation of

vices which had no existence—between a desire to effect reformation, and an unmixed delight in heaping undeserved reproaches—between a magnanimous effort to give stability to society, or to free it from corruptions which time has produced, and an unprincipled and factious wish to throw down the grandeur of its noblest pillars, or to efface the beauty of its most becoming ornaments. “And if a writer gives just occasion to suspect (we quote from an author who stood forth as the avowed antagonist of Junius); if a writer gives just occasion to suspect that his opposition to government proceeds not so much from a dislike to measures as to men—if, in times of real security, he hesitates not to inflame the minds of the populace with apprehensions—if he complains of grievances without being sure that they exist—if he ventures even to violate the laws of truth and justice—if he causelessly exposes the follies of youth, the infirmities of age, or the irregularities of private life, in which the public interests are not concerned—if he is not restrained, by a sense of honour, from calumniating the innocent, or satirizing the unhappy—in a word, if he takes advantage of his own security, to stab in the dark, or, with Solomon’s fool, diverts himself with holding out the most respectable characters as objects of contempt and ridicule, and says, am not I in sport?” If these are the arts which a writer employs, it is obvious that there is in these much more than a vigorous or skilful employment of lawful means. The author who seeks by such means to gain his object, is violating, for that purpose, the most sacred laws of justice, of truth, of honour, and of that respect which all good men owe to the characters of those who fill an important place in society, and who have not made themselves unworthy of their place by any course of notorious and shameless profligacy. Nor will any differences of opinion as to the expediency of political mea-

sures be for one moment an apology in the mind of any man of just feeling for so foul a trespass on all that is fair and honourable, for so audacious a violation of all that is decent and becoming.

There is an essential difference then, between a vigorous employment of justifiable means, even although that employment of them should be attended with pain to those against whom they are exercised, and the adoption of measures which are in themselves unfair, and founded either in falsehood or in cruelty; and although it may not be easy to say where justifiable severity ends and culpable cruelty begins, there is as real a distinction between the extremes of these acts as there is between right and wrong in any other case; between those actions which it is manly and graceful to perform, and those which justly expose their perpetrators to infamy and contempt.

How far the above description is applicable to Junius can only be determined by a careful perusal of all that he has written. But he must be little acquainted with the writings of this author, who is not aware that, in the three following particulars, our author is most undeniably guilty; namely, that, in the first place, he has on many occasions treated as crimes in the conduct of his opponents, and upon these has founded the most unsparing censure, what a more careful investigation would have shown to be misrepresentations or mistakes.

In the second place, that he has not hesitated to penetrate, with the most scrutinizing eye, into follies, and it may be crimes, of private life, with which, as a public censor, he had nothing to do, and which he could only bring forward, therefore, for the purpose of blackening or destroying the character of his antagonist.

And, in the last place, that with the utmost freedom he has assigned the most odious or contemptible motives to men of the highest general respect-

ability ; and has thus attempted, as far as in him lay, to destroy that becoming reverence with which mankind are disposed to look to the characters of those who are high in office ; and, in fact, to efface the belief that there is any such thing as superior worth or talents in the world.

But if these charges be well founded, and if, more or less, they are applicable to almost every part of the work, then we apprehend that its author, whatever may be his other titles to the respect or love of his contemporaries, has no reason to expect that their veneration should follow him from the spirit and tendency of the works which he has left ; and in the view of retiring behind “ that curtain,” the dropping of which is invested with so many awful apprehensions to the prophetic mind of man, we think that the author of any work in which such faults are found, instead of flattering himself with the idea that he has deserved well of the world, ought to feel that he had been guilty of conduct for which it became him, as a good member of the commonwealth—as a respectable and upright man—and, above all, as one who venerated the evidences, and cherished the hopes, of Christianity, to express deep and unfeigned contrition.

We have thought it proper to make these observations, not only because they seem to us to be demanded by the prevailing spirit of the work before us, but because we think that there is a want of just ideas on this subject among writers in general, and especially among those writers who assume the office of public censors. The freedom of the press, we readily allow, is one of the most invaluable of all our privileges, and without which indeed we have no security for the permanence of any of our other blessings. But the very importance of this privilege should also convince us that its prerogative, like that of the king, ought never to be improperly or violently exercised ; and it is undeniable, that a

licentious press is one of the greatest evils which can afflict a country. No man, therefore, who values his own dignity, or has a just sense of what is really good and valuable, ought ever to permit himself to be misled in the exercise of a righteous disapprobation, by the admiration which he may naturally feel for either the literary accomplishments, or the rare courage of those who avail themselves of these qualities to commit great public injustice ; but every good citizen, on the contrary, ought always to bear in mind, that if a free press be the safeguard of all our other advantages, the unperturbed moral sense of the people is the guardian of the due functions of the press itself, and ought never to allow those to escape without feeling its resentment, who have made an unjustifiable use of that which was meant only to be employed in things laudable and excellent.

Instead, therefore, of either approving of the spirit by which these Letters are distinguished, or of even shutting our eyes to their demerits, from our admiration of the better qualities by which they are characterized, we think ourselves bound, in offering this new edition to the public, to express, unequivocally and fearlessly, our hearty and unmixed disapprobation of that spirit, and in this manner to do all that we can to prevent other writers from hoping that the indignation of their contemporaries, on account of unjustifiable attacks upon private character or public worth, may ultimately be succeeded by either high approbation, or by feeble censure.

ON THE POLITICAL PRINCIPLES OF JUNIUS.

IN the first paragraph of the dedication of the Letters, we meet with the following sentence:—
“ When kings and ministers are forgotten, when

the force and direction of personal satire is no longer understood, and when measures are only felt in their remotest consequences, this book will, I believe, be found to contain principles worthy to be transmitted to posterity."

At the same time, it is not for the principles contained in this work that it is commonly read ; these, in fact, form but an unimportant part of the whole, and can only be gleaned by careful study from amidst the mass of declamation and of poignant invective, which are the chief characteristics of the volume. Junius, from the very circumstance of his being an occasional writer, was chiefly conversant with the fugitive politics and actually existing characters of the day. It was by drawing the attention of the public to these, rather than by the statement of general principles, that he could hope to succeed in his object, and most of those who sit down to the perusal of the Letters, do accordingly rise from their labour without having formed any very precise idea of the opinions of the writer, or without regarding him in any other light than as a man who was vehemently dissatisfied with most of the persons and things about him, and who had the power, above all his contemporaries, of expressing his discontent in polished language, and with all the combined effect of splendid imagery and irresistible sarcasm. Yet it was impossible that any writer of ordinary comprehension of mind could be so long, and so diligently employed, in discussing the politics of his day without occasionally bringing out some general principles that might serve to designate the political complexion of his mind ; and if we look attentively into the works of Junius, we shall accordingly find, that his opinions are marked out with considerable precision on most of the great constitutional questions which the range of his writings might be supposed to have brought under his review.

We are by no means of opinion, however, that this author can be ranked with any of the great parties which at that time divided the nation. Junius was too much disposed to take his own will, and too much dazzled by his own views, to submit to be the tool, or even the avowed associate, of any party. His talent was that of a censor on the errors or mistakes of all who were engaged in the great scramble for power ; and he had at least the sense to know his strength, and to devote himself to the purpose which it pointed out to him. He has accordingly disavowed his connexion with any party, by explicitly stating in one of his Letters that he considered himself to be “ disowned by every party in the kingdom.” On another occasion he has declared, “ that with him the cause was every thing, and that he cared not by what principles any professed patriot was animated, provided the measures he supported were beneficial to the community.”

It would be wrong, however, on the ground of this indifference to the peculiarities of any party, to suppose that our author was partial to revolutionary and democratical principles. Those principles had not then obtained that general diffusion which at a later period they unfortunately gained ; and we have the explicit avowal of Junius, that he considered a limited and qualified monarchy, like our own, to be far superior to any system of republicanism which could be devised. The passage in which he states this opinion is curious, and deserves, for the further elucidation which it contains of his views respecting the style of thinking on political matters that is most suitable to the inhabitants of this country, to be quoted at length. “ I can more readily,” says he in his fifty-ninth letter, “ I can more readily admire the liberal spirit and integrity, than the sound judgment of any man, who prefers a republican form of government, in this or

any other empire of equal extent, to a monarchy so qualified and limited as our's. I am convinced, that neither is it in theory the wisest system of government, nor practicable in this country. Yet though I hope the English constitution will for ever preserve its original monarchical form, I would have the manners of the people purely and strictly republican. I do not mean the licentious spirit of anarchy and riot—I mean a general attachment to the common weal, distinct from any partial attachment to persons or families;—an implicit submission to the laws only, and an affection to the magistrate, proportioned to the integrity and wisdom with which he distributes justice to the people and administers their affairs. The present habit of our political body appears to me the very reverse of what it ought to be. The form of the constitution leans rather more than enough to the popular branch; while, in effect, the manners of the people (of those, at least, who are likely to take a lead in the country) incline too generally to a dependence upon the crown."

Taking for granted, then, that our author was friendly to the actual constitution of the British empire, we may proceed to inquire what his ideas were respecting the particular rights of the different branches of our government,—and on these points also we shall find that he has left notices of his opinions which cannot be misunderstood.

With respect to the *kingly* power, we have already seen that an opinion was very generally prevalent during the time of Junius, that most improper means had been taken, and most unwarrantable measures were in actual employment, to give that power a greater influence than it had ever before had since the Revolution. Junius, we may readily suppose, partook of this suspicion with his own share of keenness; and it is impossible, indeed, to understand the general scope of the Letters with-

out keeping the existence of this suspicion habitually in view. Among innumerable passages which might be quoted, the following, from the celebrated letter to the king, may suffice to show how deeply fixed this idea was in the mind of our author:—
“ You ascended the throne with a declared and, I doubt not, a sincere resolution of giving universal satisfaction to your subjects. You found them pleased with the novelty of a young prince, whose countenance promised even more than his words; and loyal to you not only from principle, but passion. It was not a cold profession of allegiance to the first magistrate, but a partial, animated attachment to a favourite prince, the native of their country. They did not wait to examine your conduct, nor to be determined by experience, but gave you a generous credit for the future blessings of your reign, and paid you in advance the dearest tribute of their affections. Such, sir, was once the disposition of a people who now surround your throne with reproaches and complaints. Do justice to yourself. Banish from your mind those unworthy opinions with which some interested persons have laboured to possess you. Distrust the men who tell you that the English are naturally light and inconstant—that they complain without a cause. Withdraw your confidence equally from all parties—from ministers, favourites, and relatives; and let there be one moment in your life in which you have consulted your own understanding.”

It was the existence of this suspicion in the mind of Junius, that emboldened him to make those indecent and unwarrantable attacks on the conduct of the monarch, at which the whole world was astonished; and it was a desire to justify his conduct in this respect to himself that led him to the unfounded opinion, which he has published in his preface, that the constitution of this country does not forbid us from regarding the reigning prince as

occasionally culpable in his own person. "For my own part," says he, "far from thinking that the king can do no wrong, far from suffering myself to be deterred or imposed on by the language of forms in opposition to the substantial evidence of truth, if it were my misfortune to live under the inauspicious reign of a prince, whose whole life was employed in one base contemptible struggle with the free spirit of his people, or in the detestable endeavour to corrupt their moral principles, I would not scruple to declare to him, Sir, you alone are the author of the greatest wrong to your subjects and to yourself. Instead of reigning in the hearts of your people, instead of commanding their lives and fortunes through the medium of their affections, has not the strength of the crown, whether influence or prerogative, been uniformly exerted, for eleven years together, to support a narrow, pitiful system of government?" &c.

Respecting the conduct which a virtuous and truly patriotic *Peer* of the realm ought to maintain, we have the opinion of our author in his own words, in his letter to the Duke of Bedford:—"Conscious of his own weight and importance," says he, "his conduct in parliament would be directed by nothing but the constitutional duty of a peer. He would consider himself as the guardian of the laws. Willing to support the just measures of government, but determined to observe the conduct of the ministers with suspicion, he would oppose the violence of faction with as much firmness as the encroachments of prerogative. He would be as little capable of bargaining with the ministers for places for himself or his dependants, as of descending to mix himself in the intrigues of opposition. Whenever an important question called for his opinion in parliament, he would be heard by the most profligate minister with deference and respect. His authority would either sanctify or

disgrace the measures of government. The people would look up to him as their protector, and a virtuous prince would have one honest man in his dominions, in whose integrity and judgment he might safely confide," &c.

With respect to the *third branch* of the legislature, it is well known to have been the avowed opinion of Junius that septennial parliaments were the source of most of the evils of which the people complained. He was a decided enemy, however, to annual parliaments, which he considered as calculated to defeat all the purposes of legislation, and to throw the nation into a perpetual ferment. But he was fond of the plan of making parliaments triennial, and promised the most important benefits to the country from the adoption of that plan. Respecting parliaments as they are at present constituted, he thus remarks in his preface:—"With regard to any influence of the constituent over the conduct of the representative, there is little difference between a seat in parliament for seven years and a seat for life. The prospect of your resentment is too remote; and although the last session of a septennial parliament be usually employed in courting the favour of the people, consider that at this rate your representatives have six years for offence and but one for atonement."

If, from this examination of what may be called the constitutional principles of our author, we go on, in the second place, to inquire into the opinions which he entertained respecting the great political questions which agitated, in his days, the people of Britain, we find him, in the first place, a steadfast supporter of the pretensions of the people with respect to Wilkes. Of that person himself he appears at first to have entertained a very indifferent opinion; he was of opinion that it was much more the mistaken policy of the court and of

parliament than any talents of the demagogue that had raised him into notice ; and we find, from the published correspondence between these two authors, that nothing mortified Wilkes so much as the poor opinion which Junius entertained of him. We find, from the same correspondence, however, that Junius came to think more favourably of Wilkes, and though there is no evidence that he ever held his talents in much estimation, he seems to have formed a better opinion of the honesty and general character of the man. But, amidst all the changes of his opinion on these matters, he uniformly held, that the commons in setting aside the election of the Westminster voters, and accepting Colonel Luttrell as regularly chosen, had acted unconstitutionally ; and it is probable, that the decisive tone in which Junius spoke upon this subject did much to confirm the populace in their contumacy, and to make the opposition to government more decided and enthusiastic. On the question of general warrants, which was also brought under discussion in this case, he held the same opinion which every enlightened politician must have held, considering them as in fact equivalent to no warrants, and therefore altogether unfit to be acted upon in a matter touching the liberty or safety of any subject of the realm.

We have already mentioned the discussion respecting the right of Great Britain to tax America, as the second great question by which the minds of men were agitated at the time when Junius wrote ; and there are many distinct notices, throughout his writings, of the opinion which he held on this subject. From the first moment that this question was discussed, he was a decided friend to the supremacy of Great Britain over America, and gave the whole weight of his eloquence to support the stamp act of Mr Grenville. His letters, signed Junius, less frequently allude to this topic ; but several of his letters

lately published, and which had other signatures affixed to them, are entirely devoted to a discussion of the arguments in favour of Mr Grenville's measures. One of these letters begins thus:—"Whether it be a matter of honour or reproach, it is at least a singular circumstance, that whoever is hardy enough to maintain the cause of Great Britain against subjects who disown her authority, or to raise his voice in defence of the laws and constitution, is immediately pointed out to the people as Mr Grenville's friend. It is true he professes doctrines which would be treason in America; but in England at least he has the laws on his side, and if it be a crime to support the supremacy of the British legislature, the sovereign, the lords, and commons, are as guilty as he is."

The last difficulty by which the minds of political reasoners were agitated during the time when Junius wrote related to the formation of a permanent and skilful administration, and we have already noticed, that so great was this difficulty that scarcely a year closed without some important changes in the list of those who held the first offices in the state. It did not accord, perhaps, with the purpose for which our author wrote, to point out any person as pre-eminently qualified for this purpose, and his writings are rather full of objections to all the ministers who then managed affairs, than adorned by panegyrics on particular statesmen. He has been supposed, however, to have entertained a particular partiality for Mr Grenville, and it is certain that he uniformly speaks of him with respect. Lord Holland also appears to have been regarded by him with good-will. But Lords Camden and Chatham have been honoured with professed eulogies, although he has repeatedly censured even some of their measures. His letter to the former of these lords begins in the following rather unusual manner for Junius:—"I turn with pleasure from that

barren waste in which no salutary plant takes root, no verdure quickens, to a character fertile, as I willingly believe, in every great and good qualification. I call upon you in the name of the English nation, to stand forth in defence of the laws of your country, and to exert, in the cause of truth and justice, those great abilities with which you were intrusted for the benefit of mankind." His encomium on Lord Chatham is well known, but his language is excellent, and will bear to be frequently quoted. "If," says he, "his ambition be upon a level with his understanding;—if he judges of what is truly honourable for himself, with the same superior genius which animates and directs him to eloquence in debate, to wisdom in decision, even the pen of Junius shall contribute to reward him. Recorded honours shall gather round his monument and thicken over him. It is a solid fabric, and will support the laurels that adorn it. I am not conversant in the language of panegyric. These praises are extorted from me; but they will wear well, for they have been dearly earned."

There are some other topics, not falling directly under any of the general heads under which we have arranged the political opinions of our author, that deserve to be noticed in this place. It was the trial which took place in consequence of his letter to the king, that gave occasion to the much-agitated dispute respecting the right of juries to return a general verdict; that is, to determine respecting the law as well as the fact—and which ultimately led to the bill of Mr Fox, by which this right was secured to juries. He was also a strenuous supporter of the legality of impressing seamen, in cases of emergency. "I regard," says he, speaking upon this subject, "I regard the legal liberty of the meanest man in Britain as much as any man, and would defend it with the same zeal. I know we must stand or fall together. But I never can

doubt that the community has a right to command, as well as to purchase, the service of its members. I see that right founded originally upon a necessity which supersedes all argument. I see it established by usage immemorial, and admitted by more than a tacit assent of the legislature. With regard to the press for seamen, it does not follow that the symptoms may not be softened, although the distemper cannot be cured. Let bounties be increased as far as the public purse can support them. Still they have a limit ; and when every reasonable expense is incurred, it will be found, in fact, that the spur of the press is necessary to give operation to the bounty." The last of the opinions of our author, to which we think it necessary now to allude, is that which he held respecting the power of the legislature to disfranchise what are called rotten boroughs. " In the first place," says he, " I question the power *de jure* of the legislature to disfranchise a number of boroughs, upon the general ground of improving the constitution. There cannot be a doctrine more fatal to the liberty and property we are contending for, than that which confounds the idea of a supreme and an arbitrary legislature. If we are sincere in the political creed we profess, there are many things which we ought to affirm cannot be done by king, lords, and commons. Among these I reckon the disfranchising of boroughs, with a general view of improvement. I consider it as equivalent to robbing the parties concerned of their freehold, of their birth-right." After pursuing this argument still farther, our author thus concludes the argument of the last letter to which he affixed the signature of Junius :— " For argument's sake I will now suppose, that the expediency of the measure, and the power of parliament, are unquestionable. Still you will find an insurmountable difficulty in the execution. When all your instruments of amputation are prepared,

when the unhappy patient lies bound at your feet without the possibility of resistance, by what infallible rule will you direct the operation? When you propose to cut away the rotten parts, can you tell us what parts are perfectly sound? Are there any certain limits, in fact or theory, to inform you at what point you may stop, at what point the mortification ends?"

Some of these opinions are scarcely tenable, and others are not such as we should have supposed the author of these Letters to avow. But it is probable that Junius was led, like most other men, by his partiality or antipathy to persons, into the adoption of principles, which without such feelings he would have rejected; and it is also not unlikely that he sometimes continued to defend a dogma, simply because, in the course of his invectives, he had on some occasion found it convenient to maintain it. At all events, there is nothing very singular or novel in any of the views which our author entertained; nor does he ever deal in those great and comprehensive maxims of political wisdom which give so much richness and dignity to the declamations of Burke. Junius, on the contrary, is always the advocate not of general doctrines, but of certain definite points, and, upon the whole, we may conclude in the words quoted by Horne Tooke upon the same subject, "*materiam superabat opus.*"

It may be proper, on this occasion, just to make one further observation. The character of the monarch against whom so much of the violence of Junius was directed, has now become embalmed in the affectionate veneration of all whom he ruled, and his name is placed in the list of those truly virtuous sovereigns, whose personal worth was commensurate with the dignity of their station. The system of government which began with his reign has also passed through a severe ordeal, and, in times which have demanded all the firmness and

good judgment of the empire, the men who possessed his favour have been able, not only to support the commonwealth in all its native power, but to achieve for it unexampled and immortal renown. It is beyond the calculation of any man to say what might have been the consequences of other systems, and of the reign of a monarch of another character. But the reproaches thrown out against the views so early adopted by our late venerated sovereign have been practically refuted ; and whatever we may think of the general political notions adopted by Junius, of this we are certain, that the *prophecies* involved in his invective, in so far as they related to the general character of the monarch and to his system of administration, have come to nought.

CONTROVERSY RESPECTING THE AUTHOR OF THE LETTERS.

THIS was long considered as the “ best-kept secret of modern times.” It has frequently happened, indeed, that works of high merit have been published anonymously, and that much curiosity has been awakened respecting their authors ; but in almost every instance of that nature, the perspicacity of the public has defeated the intention of the writer, and, whether he would or not, has fixed the merit of his publications upon him. But the wonderful thing with respect to these remarkable Letters is, that though they awakened a keener curiosity than perhaps any other anonymous compositions that were ever given to the public—though the attention of men of all ranks was directed for almost forty years to this subject—and though it was also evident that the author was to be found within a very narrow circle,—yet no person, during all that time, was

pointed out, who seemed so likely to have been the author of the Letters, as to set at rest the anxiety of the public mind—no person, indeed, was selected, with respect to whom there were not circumstances which at once shewed the improbability, or even the impossibility, of his having had the honour or demerit of having produced the compositions in question. The persons to whom suspicion successively attached were the following : viz. Charles Lloyd, a clerk of the treasury, and afterwards a deputy-teller of the exchequer ; John Roberts, who, from being a clerk in the treasury, successively became secretary to Mr Pelham when chancellor of the exchequer, member of parliament for Harwich, and commissioner of the board of trade ; Samuel Dyer, a friend of Burke and Johnson ; William Gerard Hamilton, commonly called Single-speech Hamilton ; Burke himself ; Dr Butler, late Bishop of Hereford ; the Rev. Philip Rosenhagen ; General Lee ; Wilkes ; Hugh M'Auly Boyd ; Dunning Lord Ashburton ; Henry Flood ; and Lord George Sackville. Many of these were named upon no grounds whatever, except, perhaps, a general character for literary talent ; and some of them, who were most confidently mentioned, had such circumstances either in their history or intellectual character as clearly evinced to those who exercised any degree of becoming discrimination, that they could not be the men on whose discovery the public mind was so intently fixed. General Lee and Hugh M'Auly Boyd, either expressly claimed the honour for themselves or indirectly hinted that they were the authors, although Lee was not in Britain at the time the Letters were written ; and Boyd has shewn, in all his avowed compositions, that though an admirer, and even imitator of Junius, he was incapable of writing with either the nerve or the purity of his prototype. And Lord George Sack-

ville, to whom at one time suspicion strongly attached, has been pronounced by those who knew him intimately, to have been so far from resembling Junius in the style of his writings, that he was, on the contrary, a hasty and incorrect composer.

The fact is, that, till very lately, the public felt all the difficulties which attached to this question, and, forty years after the first publication of the Letters, seemed to be no nearer the discovery of the author than at their original appearance. Since that time, however, things have altered completely. A person has been found to whom all the conditions necessary for the solution of this problem apply with an exactness that cannot but awaken surprise; and though that person has since died without "*making any sign*" as to his being the author, and even amidst some indirect attempts on his part to decline the honour, the suspicion which has been awakened has lost nothing of its force, and we may even venture to assert, has been every day advancing towards complete conviction. The author of this dissertation has no hesitation whatever in expressing his own belief, because it is perfect, and because he thinks himself to possess advantages for the decision of the question which can have belonged in the same degree to but a few. —In the course of preparing this new edition of the Letters, he has been led to analyze the style of Junius with a care which only such a task would lead any individual to bestow. The manner of Junius has thus become to him like the voice of an intimate friend—he has become acquainted not merely with his peculiar tone, but with his very mode of *thinking* and of arranging his *thoughts*; and having, with these advantages, compared the style of the late Sir Philip Francis with that of the Letters, he ventures to announce his perfect confidence in the identity of these two characters; and would maintain that confidence upon this si-

milarity of style alone, although there were not that host of corroborating circumstances which renders the evidence upon this point perhaps the most complete that ever was advanced on any subject of the same kind.

It is curious at the same time to remark in what way the discovery has at last been made. It was not, as might have been supposed, by some expression or action, unwarily betraying, on the part of the author himself, the great secret which he had so long kept, and which he had vowed should go with him to the grave. Nor was it by any discovery of that curiously-bound copy of the Letters which he had requested from his printer, and which he was supposed to have kept with the view of authenticating his claim to this honour whenever he should see fit to make it. It was by no direct evidence of this kind that the discovery was made. It seems, on the contrary, to have been arrived at simply in the way of *investigation* and *induction*; and in this mode of viewing it, the discovery may be considered as one of the most wonderful instances of certainty, founded on mere circumstantial evidence, which it is possible to meet with. The circumstances which led to the discovery seem to have been these:—The author of the preliminary essay to Woodfall's edition of Junius had collected all the circumstances which must meet in any individual who was entitled to be viewed as the author of the Letters. From this review it appeared, that the author, if still alive (as was probably the case), was to be sought for within a very narrow compass; and, when attention was thus limited, a person was discovered, then verging to his last days, but in whose history and character all the conditions pointed out by the author of the essay were instantly discovered. More minute investigation increased the force of this evidence; and the public eye, which had so long looked with anxiety for the wonderful man, whom it had delighted

to fancy as at once the most accomplished and the most fearless writer of his age, at last beheld him in the ruins of his frame, and had but time to salute him as the object of its wonder, when he passed away from its gaze for ever.

It is time, however, that we should now present to the reader a short account of the person to whom this distinction was given.

Philip Francis was born in Dublin, on the 22d of October, 1740. His father, the Reverend Philip Francis, was the well-known translator of Horace and Demosthenes. His grandfather, John Francis, was dean of the cathedral of Lismore, in Ireland, to which he was appointed on the 30th July, 1722; and his great-grandfather, John Francis, became dean of Leighlin, by patent, 1696.

Young Philip received the first elements of his education in Dublin. At the age of ten, he came to England, and was placed at St Paul's school, under care of Mr George Thicknesse, of whose learning and attention to himself he all his life spoke with respect. When he had reached his sixteenth year, he was placed by Mr Henry Fox, afterwards Lord Holland, in whose family his father had been tutor, in a small office in the secretary of state's chambers. Mr Pitt, who succeeded Mr Fox, patronized and encouraged him; and it has even been asserted, that young Francis frequently officiated as amanuensis to Mr Pitt. Through the patronage of this great statesman he was made secretary to General Bligh in 1758; was present at the capture and demolition of Cherburgh, and at the attack on the rear guard of our army at St Cas. In 1760, he was appointed secretary to the Earl of Kinnoul, when that nobleman went as ambassador to Lisbon. In 1763, Wellbore Ellis, secretary at war, appointed him to a considerable post in the war-office, which he continued to hold from that period till the year 1772, that is to say, during the time in which

the Letters of Junius appeared, and which he resigned in consequence of a difference with Lord Barrington. He spent most of the year 1772 in travelling through Flanders, part of Germany, the Tyrol, Italy, and France, with his intimate friend the late David Godfrey. During his residence at Rome, he was introduced to the pope, and had a curious conference with his highness, which lasted two hours, and an account of which he is said to have transmitted in a letter to a friend in this country. In about half a year after his return to England, the same Lord Barrington, who had occasioned his retreat from the war-office, warmly recommended him to Lord North, by whom his name was inserted in an act of parliament, passed in June, 1773, to be a member of the council appointed for the government of Bengal, the other commissioners being, Warren Hastings, governor-general; John Clavering, commander-in-chief; George Monson; and Richard Barwell.

During most of the time which he spent in India, he was engaged, to use his own words, “in perpetual contest with Mr Hastings; and in consequence of some severe charges made against him by that gentleman, Mr Francis challenged him to single combat, and was himself shot through the body. He left Bengal in December 1780, about four months after this duel, passed five months at St Helena, and arrived in England in October 1781.

On the dissolution of parliament in 1784, he was elected member for Yarmouth, in the Isle of Wight, and took an active part in the proceedings preparatory to the impeachment of Mr Hastings. There was a strong impression, however, that this conduct towards a person with whom he had so long lived in enmity, and against whom he had an avowed ill-will, was not becoming; and accordingly, when Mr Francis was proposed, first as a member of

a committee for considering the charges against Mr Hastings, and afterwards as one of the managers of the impeachment, his nomination was negatived by great majorities.

“ To account (says the Bishop of Winchester, in his Life of Mr Pitt), for this rejection of Mr Francis by so decided a majority, it is to be observed, that he had been a member of the supreme council at the time Mr Hastings was governor of Bengal,—and that most violent disputes had arisen and continued for several years between these two gentlemen. Early in 1780 an apparent reconciliation took place; but in July of that year, Mr Hastings publicly, in a minute given in to the council-board, accused Mr Francis of having forfeited the faith which he had pledged to him, in such strong language as to lead to a duel, in which Mr Francis was dangerously wounded. When he considered himself in a dying state, he expressed his forgiveness of Mr Hastings; but he unexpectedly recovered, and the former enmity was revived. Not long after Mr Francis returned to England, and took a very active part in supplying the accusers of Mr Hastings with materials, and in promoting the impeachment, both openly and secretly, by every method in his power.

“ The time was now arrived for appointing managers of the impeachment before the House of Lords; and it was evident from the late division, and from the well-known impression which the conduct of Mr Francis towards Mr Hastings had made, that any motion for naming him one of the managers would be resisted. Mr Fox, however, undertook to propose him, in a very elaborate speech, and was warmly supported by Mr Windham. After several members had objected to Mr Francis, upon the ground of the duel, and the avowed enmity which had so long subsisted between

him and Mr Hastings, Mr Pitt, in allusion to the speeches of Mr Fox and Mr Windham, remarked, that it was not a question of argument, but of feeling. It appeared to him, that it would be obviously improper in the house to appoint, as one of their representatives upon this occasion, the only individual who had been concerned in a personal contest with the party accused, and upon that principle he should vote against the motion. Mr Francis entered into a detailed vindication of himself, but with so little effect, that the motion was negatived by a majority of 122 to 62."

The committee, however, did not think themselves precluded by this decision from availing themselves of his private assistance, and they accordingly addressed a letter to him, subscribed by them all, expressing their unanimous opinion of his talents and integrity, and requesting the aid of his profound acquaintance with the affairs of India.

When the great events of the French revolution occurred, Mr Francis took that part in parliament, and in more private transactions, which Junius might have been expected to take. He founded the society which then made so much noise, called the "Friends of the People;" and had as his associates, Mr Fox, Mr Tierney, Lord then Mr Grey, and many other distinguished members of the opposition. In 1792, he supported Mr Fox in all his attempts to prevent the interference of this country in the affairs of France; and was universally considered as one of the warmest friends of the views of opposition. He was throughout his whole life a most zealous and disinterested supporter of the abolition of the slave-trade, and distinguished himself by many powerful and brilliant displays of eloquence in favour of that measure. In 1796, he stood for Tewkesbury, but lost it; and from that time he continued during six years

without a seat in parliament. In 1802, he was nominated for Appleby, and sat for that place during several subsequent parliaments.

On the death of Lord Cornwallis, some thoughts were entertained of sending Mr Francis to India as governor-general. That appointment, however, never took place. But as something seemed due to him, he was invested, at the recommendation of Lord Grenville, with the insignia of the Bath, October 29, 1806.

On the 22d June 1817, he unexpectedly appeared at a meeting of the freeholders of Middlesex, and moved a petition to the House of Commons against the suspension of the *habeas corpus*, prefacing his motion by a speech, which is in the purest style of Junius. About the same time, he was invited to an entertainment given by the livery of London to Mr Alderman Wood, who had then been elected Lord Mayor for the second time. When his health was drank, he made a speech, which is also extremely characteristic, and which has been published.

Soon after this, he experienced a long and severe illness. His malady was a disease in the *prostate gland*, which occasioned him great pain,—and as his constitution had always been irritable, his latter days were full of trouble. He expired at his house in St James's Square, on the 22d December 1818.

Sir Philip was twice married. By his first wife he left a son, Philip Francis, Esq. who was bred to the bar, and two daughters, both of whom were married. He himself married a second time, after he had become a septuagenarian. The name of the lady was Miss Watkins, the daughter of a clergyman.

It is impossible, in a notice of this kind, to enter into a full statement of the evidence by which the

identity of Junius and of Sir Philip is established. For a minute account of every thing that can be said upon this subject, we refer the reader to the pamphlet, entitled “Junius identified with a distinguished Living Character.” All we intend in this place is, in a very summary manner, to point out the general topics of the argument.

That Sir Philip was considered by his contemporaries as a man of the very highest talents, is evident from many circumstances. Mr Burke pronounced him to be the best pamphlet-writer of his age; and the following passages from two speeches, by Mr Burke and by Sir Gilbert Elliot, ought to be quoted with the same view.

In the speech which Mr Burke pronounced on Mr Fox’s East India bill, December 1, 1783, he thus expresses himself:—“Uncommon patience and temper supported Mr Francis a while longer under the baneful influence of the commendation of the court of directors; his health, however, at length gave way, and in utter despair he returned to Europe. At his return, the doors of the India House were shut to this man, who had been the object of their constant admiration. He has indeed escaped with life, but he has forfeited all expectation of credit, consequence, or employment. He may well say,

*Me nemo ministro
Fur erit, atque ideo nulli comes exeo.*

This man, whose deep reach of thought, whose large legislative conceptions, and whose grand plans of policy, make the most shining parts of our report—from whence we have learned all our lessons, if we have learned any good ones—this man, from whose materials those gentlemen who have least acknowledged it have yet spoken as from a brief—this man, driven from his employment, discoun-

tenanced by the directors, has had no other reward, and no other distinction, but that inward "sunshine of the soul" which a good conscience can always bestow upon itself. He has not yet had so much as a good word, but from a person too insignificant to make any other return for the means with which he has been furnished, for performing his share of a duty which is equally urgent on us all."

On the 12th December, 1787, Sir Gilbert Elliot spoke as follows:—

"In delivering my opinion of my honourable friend (Mr Francis) I am not so madly vain as to think, that it can add any thing to his honours—it is not for him, sir, it is to do myself honour, that I say here, what I have often said elsewhere, that of all the great and considerable men in this country, there is not one in the empire who has a claim so much beyond all question—who can show a title so thoroughly authenticated, as this gentleman, to the admiration, the thanks, the reward, the love of his country and of the world. If I am asked for proof, I say, the book of his life is open before you; it has been read, it has been examined in every line by the diligent inquisition, the searching eye, of malice and envy. Has a single blot been found? Is there one page which has not been traced by virtue and by wisdom? Virtue, sir, not of the cold and neutral quality, which is contented to avoid reproach by shrinking from action, and is the best ally of vice, but virtue fervent, full of ardour, of energy, of effect;—wisdom, sir, not the mere flash of genius and of talents, though these are not wanting; but wisdom informed, deliberate, and profound. I know, sir, the warmth imputed to, nay, possessed by that character. It is a warmth which does but burnish all his other virtues. His heart is warm, his judgment is cool, and the latter of these

features none will deny, except those who have not examined, or wish to disbelieve it."

After such unqualified praise, it is but fair that we insert the following minute given in by Mr Hastings to the Indian council-board, and which occasioned the duel between him and Mr Francis:—

"My authority for the opinions which I have declared concerning Mr Francis depends on facts which have passed within my own certain knowledge. I judge of his public conduct by my experience of his private, which I have found to be *void of truth and honour*. This is a severe charge, but temperately and deliberately made, from the firm persuasion that I owe this justice to the public and to myself, as the only redress to both, for artifices of which I have been a victim, and which threaten to involve their interests in disgrace and ruin. The only redress for a fraud, for which the law has made no provision, is the exposure of it."

After these quotations, which are produced to show that we do not attribute the Letters to a person of mean name, we may now go on to remark, that the positive evidence, in support of the point in question, may be collected under the four following heads, viz.—1. Coincidence between the history of Sir Philip and Junius; 2. Correspondence of temper and character; 3. Similarity of style; and, 4. Resemblance of hand-writing.

I. With respect to the first, there are three great facts connected with the publication of these Letters, for every one of which some satisfactory account is required. In the first place, they must have been written by a person who resided almost uninterruptedly in London between the years 1769 and 1772. In the second place, we naturally inquire, what could have induced a writer of such talent and celebrity all at once to become silent at the end

of that period. And, in the last place, we perceive, from a careful perusal of the Letters, not only that their author kept a vigilant eye on great public events, but that he was conversant with the transactions of some inferior departments of the state, in a degree which could not be expected with respect to any individual who was not himself employed in the transactions he has noticed. We allude, in particular, to the knowledge which these Letters show of events that had taken place in the war-office and in the secretary of state's office, and to the acquaintance which the author evidently had with persons known only to those who had a view of the interior of these offices.

Now, it appears from the short account of Sir Philip Francis's life which we have already given, that he was employed in the war-office from the year 1763 till 1772, and, consequently, that he was always upon the spot at the time when these Letters were sent so regularly and rapidly to the press. We also perceive, from the same account, that at the end of that time, he was sent as a sovereign to India, after having been forced to leave a post of £400 per annum in the war-office about a twelvemonth before. And we also know, that he was superseded in his post in the war-office by the very person to whom Junius has repeatedly shown an inveterate antipathy, and whom we may be sure Sir Philip regarded with no feelings of good-will.

It is curious, indeed, to remark with what sort of feelings a person like Junius, who considered the highest characters in the kingdom as not game too high for him, regarded an ordinary clerk who had been put into his place. We find him, accordingly, descending to the lowest and most scurrilous invective whenever he touches upon that subject, and evidently uttering the language of a man whose mind is agitated between contempt and indignation.

He calls Chamier, Tony Shammy—little Shammy—a tight active little fellow—a little gambling broker—little Waddlewell—my duckling—little three per cents. reduced—a mere scrip of a secretary—an omnium of all that's genteel. Bradshaw, who was connected with Chamier, he also mentions as Tommy Bradshaw, the cream-coloured Mercury, whose sister Miss Polly, like the moon, lives upon the light of her brother's countenance, and robs him of no small part of his lustre.

It is obvious how well all this corresponds with the supposition of Mr Francis being the author of the Letters; and how impossible it is to conceive what other motive but his own interest in this transaction could have induced Junius to soil his pages by such frequent and scurrilous mention of it.

II. We have now however to remark, in the second place, that we unavoidably expect in any individual who is pointed out as the author of these Letters, that his actual character and temper should correspond to a certain extent, at least, with those which are suggested to every reader as belonging to the anonymous satirist. We expect that Junius, whenever he shall be seen, shall be a man of high spirit, but probably also of more than ordinary impetuosity of temper—keenly attached to his own notions and his own party—looking with infinite disdain upon all who hold opinions incompatible with his—and disposed to allow no merit to any character that is not marked by the same device which he himself has assumed. We may allow something for the fictitious character under which the author wrote; but we never can be satisfied that a man of gentle habits, and of a forbearing mind, could by any management have assumed the appearance of the temper which these Letters disclose.

On this subject we shall permit Sir Philip to

speaking for himself. In reference to his quarrel with Mr Hastings, he observes, " We are both, I believe, men of a temper too warm to be capable of lasting resentments." In a speech delivered by him on another occasion, he observes, that " it was his purpose on this occasion to say *things strong, severe, and personal*;" and if he should be thought to exceed the bounds of moderation, he desired it might not be imputed to a *hasty impatience* of temper, to which he was supposed to be more subject than other men; for he said them coolly and deliberately, and after having maturely reflected on their cause and on their consequences."

Again, when he was accused of placing himself on an equality with the lawyers in matters of legal opinion, he rebuts the charge in the following manner:—" Much has been said of my character, *much of my temper*. I have, by one learned gentleman, not now present (the master of the rolls), been accused of comparing myself with him and with others of his profession. Such a comparison I never presumed to make. Arrogance is one thing, *passion is another*. *Passion I have ever conceived to be an honest, open, and manly emotion of the mind*; arrogance, on the contrary, I take to be a cold, deliberate, thoughtful thing. I may have made use of warm or passionate language, perhaps, but I was never guilty of the presumption and arrogance which have been imputed to me."

III. The great question, however, which all readers will be disposed to put on this subject is, Whether Sir Philip Francis, in his avowed works, has shown any great talents for composition, and, in particular, whether he has displayed the *same* qualities of style which characterize the productions of Junius? The writings of Sir Philip, unfortunately, are confined to pamphlets, speeches, and minutes, which are known but to few, and we cannot therefore direct the attention of the reader to any conti-

nuous work which is confessedly distinguished by these marks. But that the general style of his compositions corresponds very remarkably with that of Junius, may be proved from specimens which have repeatedly been quoted with this view ; and the argument derived from this similarity will be found to be more forcible, when we recollect that Junius was capable of writing, on some occasions, with a degree of polish which did not characterize his less studied productions. The following quotation, therefore, while it has all the general characters of the style of Junius, is, like most of the others which might be produced, much rather to be compared with the more hasty and unfinished productions of our author, than with those elaborate invectives to which the name of Junius was affixed. Even when compared, however, with the most polished of his works, the resemblance, we apprehend, is sufficient to strike the least skilful observer. The quotation is from the speech which he made in answer to the remark of Lord Chancellor Thurlow, viz. that it would have been well for the country if General Clavering, Colonel Monson, and Mr Francis, had been drowned in their passage to India.

Sir Philip observed, that “ his second reason for obtaining a seat in parliament, was to have an opportunity of explaining his own conduct, if it should be questioned, or defending it, if it should be attacked. The last, and not least urgent reason was, that he might be ready to defend the character of his colleagues, not against specific charges, which he was sure would never be produced, but against the language of calumny, which endeavoured to asperse without daring to accuse. It was well known, that a gross and public insult had been offered to the memory of General Clavering and Colonel Monson, by a person of high rank in this country. He was happy when he heard that his name was included in it with theirs. So highly

did he respect the character of those men, that he deemed it an honour to share in the injustice it had suffered. It was in compliance with the forms of the House, and not to shelter himself, or out of tenderness to the party, that he forbore to name him. He meant to describe him so exactly that he could not be mistaken. He declared, in his place in a great assembly, and in the course of a grave deliberation, ‘that it would have been happy for this country if General Clavering, Colonel Monson, and Mr Francis, had been drowned in their passage to India.’ If this poor and spiteful invective had been uttered by a man of no consequence or repute—by any light, trifling, inconsiderate person—by a lord of the bed-chamber, for example—or any of the other silken barons of modern days—he should have heard it with indifference; but when it was seriously urged, and deliberately insisted on, by a grave lord of parliament—by a judge—by a man of ability and eminence in his profession—whose personal disposition was serious—who carried gravity to sternness, and sternness to ferocity—it could not be received with indifference, or answered without resentment. Such a man would be thought to have inquired before he pronounced. From his mouth a reproach was a sentence—an invective was a judgment. The accidents of life, and not any original distinction that he knew of, had placed him too high, and himself at too great a distance from him, to admit of any other answer than a public defiance, for General Clavering, for Colonel Monson, and for himself. This was not a party question, nor should it be left to so feeble an advocate as he was to support it. The friends and fellow-soldiers of General Clavering and Colonel Monson would assist him in defending their memory. He demanded and expected the support of every man of honour in that House and in the kingdom. What character was safe, if slander

was permitted to attack the reputation of two of the most honourable and virtuous men that ever were employed or ever perished in the service of their country. He knew that the authority of this man was not without weight ; but he had an infinitely higher authority to oppose to it. He had the happiness of hearing the merits of General Clavering and Colonel Monson acknowledged and applauded, in terms to which he was not at liberty to do more than to allude :—they were rapid and expressive. He must not venture to repeat, lest he should do them injustice, or violate the forms of respect, where essentially he owed and felt the most. But he was sufficiently understood. The generous sensations that animate the royal mind were easily distinguished from those which rankled in the heart of that person who was supposed to be the keeper of the royal conscience.”

We might now add, that the political opinions and private partialities entertained by Junius, coincide exactly with those which Sir Philip was known to have cherished.

IV. Without insisting on this topic, however, we have only to notice, in the last place, that the identity of Sir Philip and the anonymous letter-writer is understood to be established by a comparison of their respective hand-writings. The Letters of Junius, indeed, are known to have been written in a feigned hand ; but, even with this allowance, they bear a general resemblance to those of Sir Philip ; and there is a multitude of smaller coincidences and peculiarities, which belong to both authors, and which belong to them only.

To all these arguments it may be added, that Sir Philip, during almost the whole of his long life, continued that plan of writing by which, as Junius, he is so well known. Scarcely any public event of moment occurred without drawing from him a *letter* or short pamphlet ; and the fact seems to be, that

invisible as Junius has long been supposed to have been, he has yet, till within the last four years, been almost regularly addressing the public. At first it may seem wonderful, that while all the youth of Britain are early taught to admire and to study the writings of this author, he should have so long existed, as a living writer, without being detected. But a little reflection will abate our wonder; for it is to be remarked, in the first place, that Sir Philip was withdrawn from this country to the government of India almost immediately after the publication of the Letters of Junius—that he was thus lost to the public eye during a series of years, and at the very time when a desire to find out the author of the Letters was most intense—that his youth prevented him from being at all suspected—and that when he returned to this country, it was in circumstances of disappointment and disgrace.—In the second place, it ought to be remarked, that the subjects upon which Sir Philip, after his return, employed his pen, were not of a kind to draw the attention of men of all ranks. When he wrote as Junius, he attacked the ministry in general—the premier in particular—great lords and dukes personally—the king himself—and both houses of parliament—and the public attention was drawn to his writings, by the circumstance of Sir William Draper and other opponents having endeavoured to combat his reasonings. But when he continued his lucubrations in his own name, it was either the affairs of India on which he wrote, or some other of the particular measures of government, without the introduction of personalities. His dissertations were, therefore, read by but a few; and personal abuse being out of the question when the author appeared in his own character, there was not the same opportunity for the introduction of that sarcasm which forms so remarkable a feature of the Letters of Junius. To all these considerations it is to be

added, that the style of Junius is not of that obvious kind which strikes a superficial or hasty reader. Johnson would infallibly have been recognized under whatever name he had written, and even Burke could not long have lain concealed; but the style of Junius requires to be more carefully weighed; and when it appeared as the production of Sir Philip Francis, it is not to be wondered that it should not have been recognised, coming, as it then did, from a person to whom no suspicion of his being Junius had ever attached.

Those, however, who have been accustomed to admire the invective of Junius, must naturally feel a desire to know in what way that great censor would have expressed himself on the many events which have occurred during the last twenty years; and if the affairs of Wilkes, and the favouritism of Bute, called forth such indignation, what must have been his tone when Pitt set the votes of the House of Commons at defiance, and when he urged the nations of Europe to unite in one grand coalition for the dethronement of Buonaparte? There are, fortunately, two of Sir Philip's pamphlets very recently published, which are excellently fitted to satisfy this natural curiosity; with a few extracts from which, therefore, we shall conclude this dissertation.

Hear how, like Junius grown old, he opens the letter addressed to Earl Grey, on the 5th of May, 1814, respecting the blockade of Norway:—
“ Though my interest in the miserable transactions of the world abates every day, and must soon be at an end, I will not now, or with my latest breath, consent to resign my share in the censorial control which the public voice has, or might have, over the measures of government. The pacific check of opinion against power, is a jurisdiction inherent in the community, not to be wantonly or factiously applied, but never to be relinquished in silence, or lost by

disuse ; and the more to be exercised and preserved, because, as far as it operates, the necessity of maintaining right against wrong, in a more resolute form of opposition, is in the same degree precluded. Not that I think there is the least danger of resistance, in this country, in any extremity ; or that if such a hazardous spirit should hereafter arise, it would not come too late. *Quid mihi leges et inania jura narras armato ?* Still, however, though a nation may be bought and sold, deceived or betrayed, oppressed or beggared, and in every other sense undone, *all* is not lost, as long as a sense of national honour survives the general ruin. Even an individual cannot be crushed by events, or overwhelmed by adversity, if, in the wreck and ruin of his fortune, the character of the man remains unblemished. That force is elastic, and, with the help of resolution, will raise him again out of any depth of calamity. But if the injured sufferer, whether it be a great or a little community, a number of individuals or a single person, be content to submit in silence, and to endure without resentment—if no complaints shall be uttered, no murmur shall be heard, *deploratum est*—there must be something celestial in the spirit that rises from that descent.

“ In March 1798, I had your voluntary and entire concurrence in the following, as well as many other abandoned propositions—when we drank pure wine together—when *you* were young, and *I* was not superannuated—when we left the cold infusions of prudence to fine ladies and gentle politicians—when true wisdom was not degraded by the name of moderation—when we cared but little by what majorities the nation was betrayed, or how many felons were acquitted by their peers—and when we were not afraid of being intoxicated by the elevation of a spirit too highly rectified. *In England and Scotland the general disposition of the people may be fairly judged of by the means which are said to*

be necessary to counteract it—an immense standing army—barracks in every part of the country—the bill of rights suspended—and, in effect, a military government.

“The flagitious project, which I mean to expose in the colours that belong to it, may possibly be yet unfinished, or open to correction. The honour of the nation, by acquiescence or participation, is not yet irretrievably committed, or may still be recovered, if the case can be forced on their attention and thoroughly understood. You will soon see that I speak for the commonwealth; and, in this respect, certainly without a partiality to any of the contending parties in this kingdom. I will never look again to the right or the left for political virtue. When I find it in individuals, they shall have all the honour that I can contribute to give them, *Si quid mea carmina possunt*. Nor shall the names of some other politicians be sheltered from infamy, by sneaking out of life, and skulking into oblivion. Their true character and merits are already on record, and shall be kept in preservation, like reptiles in spirits, for the wonder of posterity. *Rectum est index sui et obliqui*. They who cross the right line, or deviate from it, must have arguments on their side equal to mathematical demonstration. But as Sheridan said one day—*heu quantum!*—‘It is impossible—you might as well expect a serpent to take the direction of an arrow.’ That speech alone would have made him immortal, if, as he ought to have done, he had died at the end of it, *de curru descendens Teutonico*.”

Some of the passages in this quotation are so like Junius, both in sentiment and expression, that every reader, who is sufficiently conversant in the writings of that author, must be struck with them. The following quotations are from a letter of Sir Philip, addressed to Lord Holland in 1816, which was meant to be a discussion of some of the most

interesting topics that have agitated the public mind during a long series of years. Their expression is beautiful, and the sentiments they contain must be interesting to the reader.—“ My mind sickens and revolts at the scenes of public depravity, of personal baseness, and of ruinous folly, little less than universal, which have passed before us, not in dramatic representation, but in real action, since the year 1792, in the government of this once flourishing as well as glorious kingdom. In that period, a deadly revolution has taken place in the moral character of the nation, and even in the instinct of the gregarious multitude. Passion of any kind, if it existed, might excite action. With still many generous exceptions, the body of the country is lost in apathy and indifference—sometimes strutting on stilts—for the most part grovelling on its belly—*no life-blood in the heart—and instead of reason or reflection, a caput mortuum* for a head-piece—of all revolutions this one is the worst, because it makes any other impossible.

“ In my long intimacy with Edmund Burke—to me a great and venerable name—it could not escape me, nor did he wish to conceal it, that Cicero was the model on which he laboured to form his own character, in eloquence, in policy, in ethics, and philosophy. With this view he acted on a principle of general imitation only, and, in my opinion, infinitely surpassed the original. Yet, in the year 1790, when the French Revolution had taken effect, the first thing he did was to discard one of the wisest political maxims to be found in his archetype; and *by him*, at least, to be revered as the instruction of a master, *peregrini officium est minime in aliena esse republica curiosum.*” As long as the French were content, and desirous, as they were assuredly at that period, to settle their own future constitution among themselves, and within the li-

mits of their own territory, we had neither right nor interest to meddle with their proceedings, much less to coerce them. Under various pretences abroad, it was determined, in the closet, that there should be a war, nominally of kings against a republic, but really of military despots against the freedom of Europe. So we have had the war, with all its consequences, *ex illa fonte*. But the weather-beaten vessel has weathered the storm, kept afloat by the pump, and driving under jurmasts."

Every person is acquainted with the fine but few words in which Junius has drawn the character of Lord Chatham, and of some other of the personages who figured on the public scene when he wrote. The following characteristic traits of persons who have since filled the public eye, are unquestionably in the same style, and will probably be generally felt to have proceeded from the same pen. Speaking of Buonaparte, he thus proceeds:—"It required the whole force of the house of Bourbon to reconcile me, for a moment, to a cessation of abhorrence of that man. Whether I viewed him in the base subversion of the liberty of France—in the treachery of a consul, who degrades and crushes a commonwealth intrusted to his care into a furious military despotism for himself—or under the infernal visage of war, with Ate by his side, laying Europe waste in carnage and desolation from the Seine to the Volga, for the pitiful rage of being talked of, which he thought was ambition—what was he, even to eyes that admired him most, but a glaring meteor, driven by some mad projectile power—crossing the system of Europe in every direction—destroying or disturbing the constituted spheres within its vortex, and on all the rest shaking pestilence and war? What could he be in *my* mind, but a *frantic idiot*, wielding a force irresistible, with the desperate force of a *demon*, or a compound out of both? Take the being and his ex-

istence, not by a sample or an instance, but collected in the mass—look at what he is, and consider what he might have been—then shew me, if you can, a particle, I will not say of wisdom, but of common sense, in his plan, if he had any, or of genius in the execution. I cannot suffer the flights or flashes of a disordered imagination to be imposed upon me for genius. *Nec illum invenisse puto, qui non judicavit.* Compare him on his own principles, not generally, for that would be to make a wolf or a jackal *a pendant to a lion*, because they are *all* beasts of prey; but in similar circumstances, with an immeasurable superiority of physical force in the scale of Buonaparte—compare him with the character of Julius Cæsar, drawn by a master mind:—‘*Voluntate et appetitu is erat, qui nunquam partis acquiescebat, sed ad ulteriora semper tendebat; ita tamen ut non immaturo fastidio, sed legitimis spatiis, transitus actionum gubernaret. Semper enim perfectissimas clausulas actionibus imponebat. Itaque ille, qui, post tot victorias et tantam partam securitatem, reliquias belli in Hispania non contempsit, sed præsens subegit; post illud bellum confectum et omnia undique pacata, expeditionem in Parthos continuo moliebatur.*’

“Observe, however, that my idea of Buonaparte was drawn, or had painted itself, on the retina of my mind from a period beginning not long after the battle of Marengo, and ending with his banishment to Elba; from which our magnanimous government, acknowledging him still to be a sovereign *sui juris*, quietly suffered him to take wing and pounce again upon his prey. For all the slaughter, for all the miseries, which have been inflicted on France and her allies since that day, they are infinitely more criminal than the man himself! *Till then I saw nothing in him but a falling devil.* The pacific march to Paris, and the rapid conquest of France, revive him from his ashes, and place his

figure on a higher pedestal, and in a more imposing attitude than ever. But then you must divide your admiration between the enterprise and the resistance; between vigour invading, apparently without hope, and attacking without means, and imbecility in possession, with all the weapons to defend it except a manly heart, or nerves to make use of them. Great battles are won by a lucky accident, commonly called chance, full as often as by skill; or, in some cases, recovered by the hand when the head has been lost. To distinguish and resolve at a glance, in a question instant of life and death, between extreme difficulty and positive impossibility, is the surest indication of a superior mind. Then I said, what for the first time I thought, ‘*This is no common man.*’”

The two following sketches are not only exquisitely drawn, but quite original in the conception:—

“They know nothing of Mr Fox, who think that he was what is commonly called *well educated*. I know that it was directly or very nearly the reverse. His mind educated itself, not by early study or instruction, but by active listening and rapid apprehension. He said so in the House of Commons, when he and Mr Burke parted. His powerful understanding grew like a forest oak, not by cultivation but neglect.”

“Mr Pitt was a plant of an inferior order, though marvellous in its kind—a smooth bark, with the deciduous pomp and decoration of a rich foliage, and blossoms and flowers, which drop off of themselves, and leave the tree naked at last to be judged of by its fruits. *He*, indeed, as I suspect, had been educated more than enough, until there was nothing natural and spontaneous left in him. He was too polished and accurate in the minor embellishments of his art to be a great artist in any thing. He could have painted the boat, and the fish, and the broken nets, but not the two

fishermen. *Ungues exprimet et molles imitabitur ære capillos.*"

We are sorry that we cannot afford room for any more extracts. Those which we have given, relate, indeed, to times, and events, and characters, very different from those with which Junius, when he wrote under that borrowed name, was familiar; but we venture to believe that every good judge of style will perceive that they are by the same artist,—and that though, therefore, the subject be different, that uniformity of manner which must always belong to the same author when he writes “in earnest,” will prevent any feeling of abrupt transition while we now introduce the reader to Junius himself.

DEDICATION*

TO THE

ENGLISH NATION.

* [Junius's first letter, on the state of the nation, is dated January 21, 1769 ; and his concluding letter, which is the 59th, is dated October 5, 1771. It was soon after the publication of this last letter that he began to write his dedication, preface, and notes. The dedication and preface were revised by Wilkes, respecting whose accuracy Junius thus wrote in a private letter to his printer:—"When you see Mr Wilkes, pray return him my thanks for the trouble he has taken. I wish he had taken more." From this it is evident that Junius himself did not consider the composition of these two pieces to be in all respects accurate.

Editor.]

I DEDICATE to you a Collection of Letters, written by one of yourselves, for the common benefit of us all. They would never have grown to this size, without your continued encouragement and applause. To me they originally owe nothing but a healthy sanguine constitution. Under *your* care they have thriven. To *you* they are indebted for whatever strength or beauty they possess. When kings and ministers are forgotten, when the force and direction of personal satire is no longer understood, and when measures are only felt in their remotest consequences, this book will, I believe, be found to contain principles worthy to be transmitted to posterity. When you leave the unimpaired hereditary freehold to your children, you do but half

your duty.* Both liberty and property are precarious unless the possessors have sense and spirit enough to defend them. This is not the language of vanity. If I am a vain man, my gratification lies within a narrow circle. I am the sole depository of my own secret, and it shall perish with me.

If an honest, and, I may truly affirm, a laborious zeal for the public service, has given me any weight in your esteem, let me exhort and conjure you, never to suffer an invasion of your political constitution, however minute the instance may appear, to pass by, without a determined, persevering resistance. One precedent creates another. They soon accumulate, and constitute law. What yesterday was fact, to-day is doctrine. Examples are supposed to justify the most dangerous measures; and, where they do not suit exactly, the defect is supplied by analogy. Be assured, that the laws which protect us in our civil rights grow out of the constitution, and that they must fall or flourish with it.† This is not the cause of faction, or of party, or of any individual, but the common interest of every man in Britain. Although the king should continue to support his present system of government, the period is not very distant at which you will have the means of redress in your own power.‡ It may be nearer, perhaps, than any of us expect; and I would warn you to be prepared for it. The king may possibly be advised to dissolve the present parliament a year or two before it expires of course, and precipitate a new election, in hopes of taking the nation by surprise. If such a measure

* By the hereditary freehold he evidently means the constitution in its original purity.—*Ed.*

† By the constitution, as distinguished from the laws which “protect us in our civil rights, and which grow out of it,” the author here means, that scheme according to which the relative rights and privileges of the different orders of the community were originally settled.—*Ed.*

‡ He means the period of a general election.—*Ed.*

be in agitation, this very caution may defeat or prevent it.

I cannot doubt that you will unanimously assert the freedom of election, and vindicate your exclusive right to choose your representatives. But other questions have been started, on which your determination should be equally clear and unanimous.* Let it be impressed upon your minds, let it be instilled into your children, that the liberty of the press is the *palladium* of all the civil, political, and religious rights of an Englishman; and that the right of juries to return a general verdict, in all cases whatsoever, is an essential part of our constitution, not to be controuled or limited by the judges, nor, in any shape, questionable by the legislature. The power of king, lords, and commons, is not an arbitrary power.† They are the trustees, not the

* In what remains of this dedication the author expresses, his sentiments on the great constitutional questions, which, in his opinion, were at that time especially worthy of the attention of the British nation. These questions related, 1. To the free exercise of the elective franchise, which he considered as having been violated by the exclusion of Wilkes from his seat in parliament, after he had been chosen for Westminster. 2. To the liberty of the press. 3. To the right of juries to return a general verdict; that is to say, to pronounce not only respecting the fact, but the crime. And, 4. To the duration of parliaments, which the author contended should be triennial.—*Ed.*

† This positive denial of an arbitrary power being vested in the legislature is not, in fact, a new doctrine. When the Earl of Lindsay, in the year 1675, brought a bill into the House of Lords, *To prevent the dangers which might arise from persons disaffected to government*, by which an oath and penalty was to be imposed upon the members of both houses, it was affirmed, in a protest signed by twenty-three lay peers (my lords the bishops were not accustomed to protest), "That the privilege of sitting and voting in parliament was an honour they had by birth, and a right so inherent in them, and inseparable from them, *that nothing could take it away*, but what by the law of the land must withal take away their lives, and corrupt their blood." These noble peers (whose names are a reproach to their posterity) have, in this instance, solemnly denied the power of parliament to alter the constitution. Under a particular

owners of the estate. The fee-simple is in *us*. They cannot alienate, they cannot waste. When we say that the legislature is *supreme*, we mean that it is the highest power known to the constitution; that it is the highest in comparison with the other subordinate powers established by the laws.* In this sense the word *supreme* is relative, not absolute. The power of the legislature is limited, not only by the general rules of natural justice, and the welfare of the community, but by the forms and principles of our particular constitution. If this doctrine be not true, we must admit that king, lords, and commons, have no rule to direct their resolutions, but merely their own will and pleasure. They might unite the legislative and executive power in the same hands, and dissolve the constitution by an act of parliament. But I am persuaded you will not leave it to the choice of seven hundred persons, notoriously corrupted by the crown, whether seven millions of their equals shall be freemen or slaves? The certainty of forfeiting their own rights, when they sacrifice those of the nation, is no check to a brutal, degenerate mind. Without insisting upon the extravagant concession made to Harry the Eighth, there are instances, in the history of other countries, of a formal, deliberate surrender of the public liberty into the hands of the sovereign. If England does not share the same fate, it is because we have better resources than in the virtue of either house of parliament.

I said, that the liberty of the press is the *palladium* of all your rights, and that the right of juries to return a general verdict, is part of your constitution.

proposition, they have asserted a general truth in which every man in England is concerned.

* The principle here contended for, that, in a constitutional government, no body of men can *constitutionally* exercise an arbitrary power, is no doubt a very obvious, but it is also a very important principle.—*Ed.*

To preserve the whole system you must correct your legislature. With regard to any influence of the constituent over the conduct of the representative, there is little difference between a seat in parliament for seven years, and a seat for life. The prospect of your resentment is too remote ; and although the last session of a septennial parliament be usually employed in courting the favour of the people, consider that, at this rate, your representatives have six years for offence, and but one for atonement. A deathbed repentance seldom reaches to restitution. If you reflect, that in the changes of administration, which have marked and disgraced the present reign, although your warmest patriots have, in their turn, been invested with the lawful and unlawful authority of the crown, and though other reliefs or improvements have been held forth to the people, yet, that no one man in office has ever promoted or encouraged a bill for shortening the duration of parliaments, but that (whoever was minister) the opposition to this measure, ever since the septennial act passed, has been constant and uniform on the part of government ; you cannot but conclude, without the possibility of a doubt, that long parliaments are the foundation of the undue influence of the crown. This influence answers every purpose of arbitrary power to the crown, with an expense and oppression to the people, which would be unnecessary in an arbitrary government.* The best of our ministers find it the easiest and most compendious mode of conducting the king's affairs ; and all ministers have a general interest in adhering to a system which of itself is sufficient to support them in

* When the author speaks of the "expense" to the people which septennial parliaments occasion, he refers to a system of bribery, which ministers are represented by him as practising, for obtaining the votes of members.—*Ed.*

office without any assistance from personal virtue, popularity, labour, abilities, or experience. It promises every gratification to avarice and ambition, and secures impunity. These are truths unquestionable. If they make no impression, it is because they are too vulgar and notorious. But the inattention or indifference of the nation has continued too long. You are roused at last to a sense of your danger. The remedy will soon be in your power.* If *Junius* lives you shall often be reminded of it. If, when the opportunity presents itself, you neglect to do your duty to yourselves and to posterity, to God, and to your country, I shall have one consolation left, in common with the meanest and basest of mankind ;—civil liberty may still last the life of

JUNIUS.

* That is, at the approaching election, when the people would have an opportunity of choosing such representatives as they knew would be disposed to promote their views with respect to the shortening the duration of parliaments.—*Ed.*

PREFACE.

THE encouragement given to a multitude of spurious, mangled publications of the *Letters of Junius*, persuades me, that a complete edition, corrected and improved by the author, will be favourably received. The printer will readily acquit me of any view to my own profit. I undertake this troublesome task merely to serve a man who has deserved well of me, and of the public ; and who, on my account, has been exposed to an expensive, tyrannical prosecution. For these reasons, I give to *Mr Henry Sampson Woodfall*, and to him alone, my right, interest, and property, in these Letters, as fully and completely, to all intents and purposes, as an author can possibly convey his property in his own works to another.

This edition contains all the Letters of *Junius*, *Philo Junius*, and of *Sir William Draper* and *Mr Horne* to *Junius*, with their respective dates, and according to the order in which they appeared in the *Public Advertiser*. The auxiliary part of *Philo Junius* was indispensably necessary to defend or explain particular passages in *Junius*, in answer to plausible objections ; but the subordinate character is never guilty of the indecorum of praising his principal. The fraud was innocent, and I always intended to explain it. The notes will be found not only useful but necessary. References to facts not generally known, or allusions to the current report or opinion of the day, are, in a little time, unintelligible. Yet the reader will not find himself overloaded with explanations ; I was not born to be a commentator, even upon my own works.

It remains to say a few words upon the liberty of the press. The daring spirit by which these Letters are supposed to be distinguished seems to require that something serious should be said in their defence. I am no lawyer by profession, nor do I pretend to be more deeply read than every English gentleman should be in the laws of his country. If, therefore, the principles I maintain are truly constitutional, I shall not think myself answered though I should be convicted of a mistake in terms, or of misapplying the language of the law. I speak to the plain understanding of the people, and appeal to their honest liberal construction of me.

Good men, to whom alone I address myself, appear to me to consult their piety as little as their judgment and experience, when they admit the great and essential advantages accruing to society from the freedom of the press, yet indulge themselves in peevish or passionate exclamations against the abuses of it. Betraying an unreasonable expectation of benefits pure and entire from any human institution, they, in effect, arraign the goodness of Providence, and confess that they are dissatisfied with the common lot of humanity. In the present instance, they really create to their own minds, or greatly exaggerate the evil they complain of. The laws of England provide as effectually as any human laws can do for the protection of the subject, in his reputation, as well as in his person and property. If the characters of private men are insulted or injured, a double remedy is open to them by *action* and *indictment*.* If, through indolence, false

* The following quotation, from Lord Mansfield's charge to the jury in Woodfall's trial, will throw light on this passage:—His lordship observed, "that any person libelled had a right either to bring a civil or a criminal prosecution: that in the latter, which is by information or indictment, it is immaterial whether the publication be true or false: that it is no defence to say it is true, because it is a breach of the

shame, or indifference, they will not appeal to the laws of their country, they fail in their duty to society, and are unjust to themselves. If, from an unwarrantable distrust of the integrity of juries, they would wish to obtain justice by any mode of proceeding more summary than a trial by their peers, I do not scruple to affirm, that they are, in effect, greater enemies to themselves than to the libeller they prosecute.

With regard to strictures upon the characters of men in office, and the measures of government, the case is a little different. A considerable latitude must be allowed in the discussion of public affairs, or the liberty of the press will be of no benefit to society. As the indulgence of private malice and personal slander should be checked and resisted by every legal means, so a constant examination into the characters and conduct of ministers and magistrates should be equally promoted and encouraged. They who conceive that our newspapers are no restraint upon bad men, or impediment to the execution of bad measures, know nothing of this country. In that state of abandoned servility and prostitution to which the undue influence of the crown has reduced the other branches of the legislature, our ministers and magistrates have, in reality, little punishment to fear, and few difficulties to contend with, beyond the censure of the press, and the spirit of resistance which it excites among the people. While this censorial power is maintained, to speak in the words of a most ingenious foreigner, both minister and magistrate are compelled, in almost every instance, to *choose between his duty and his*

peace, and therefore criminal : but in a civil prosecution, it is a defence to say the charges in the publication are true, because the plaintiff there sues only for a pecuniary satisfaction to himself, and that this is the distinction as to that kind of defence."—*Ed.*

reputation. A dilemma of this kind perpetually before him, will not, indeed, work miracles on his heart, but it will assuredly operate, in some degree, upon his conduct. At all events, these are not times to admit of any relaxation in the little discipline we have left.

But it is alleged, that the licentiousness of the press is carried beyond all bounds of decency and truth ; that our excellent ministers are continually exposed to the public hatred or derision ; that in prosecutions for libels on government, juries are partial to the popular side ; and that, in the most flagrant cases, a verdict cannot be obtained for the king. If the premises were admitted, I should deny the conclusion. It is not true that the temper of the times has, in general, an undue influence over the conduct of juries. On the contrary, many signal instances may be produced of verdicts returned for the king, when the inclinations of the people led strongly to an undistinguished opposition to government. Witness the cases of *Mr Wilkes* and *Mr Almon*.* In the late prosecutions of the printers of my address to a great personage, the juries were never fairly dealt with. Lord Chief Justice Mansfield, conscious that the paper in question contained no treasonable or libellous matter, and that the severest parts of it, however painful to the king, or offensive to his servants, were strictly true, would fain have restricted the jury to the finding of special facts, which, as to *guilty* or *not guilty*, were merely indifferent. This particular motive, combined with his general purpose to contract the power of juries, will account for the charge he delivered in Woodfall's trial. He told the jury, in

* Wilkes was prosecuted for his *Essay on Woman*, an obscene parody on the *Essay on Man*. Almon was prosecuted and fined, for having sold a transcript of Junius's letter to the king.—*Ed.*

so many words, that they had nothing to determine except the fact of *printing and publishing*, and whether or no the *blanks* or *innuendoes* were properly filled up in the information; but that whether the defendant had committed a *crime* or not was no matter of consideration to twelve men, who yet, upon their oaths, were to pronounce their peer *guilty* or *not guilty*. When we hear such nonsense delivered from the bench, and find it supported by a laboured train of sophistry, which a plain understanding is unable to follow, and which an unlearned jury, however it may shock their reason, cannot be supposed qualified to refute, can it be wondered that they should return a verdict perplexed, absurd, or imperfect? * Lord Mansfield has not yet explained to the world why he accepted of a verdict which the court afterwards set aside as illegal; and which, as it took no notice of the *innuendoes*, did not even correspond with his own charge. If he had known his duty, he should have sent the jury back. I speak advisedly, and am well assured that no law-

* On the appearance of Junius's letter to the king the attorney-general was directed to file a bill against Woodfall the publisher, for uttering a false and seditious libel. Lord Mansfield, who presided on the trial, informed the jury, that the fact of publication was all that came under their cognizance—the question of libel or no libel being a mere question of law to be decided by the court. After long deliberation, the jury returned their verdict, guilty of printing and publishing only; thus virtually denying the seditious meaning and intention, which being of the very essence of the charge, the verdict amounted to an absolute acquittal—and the defendant was discharged, says Mr Belsham, amidst the universal and unbounded acclamations of the people.

Such is the fact upon which the reasonings of Junius, in this part of his preface, are founded; and it must be confessed, that his reasonings are sound and powerful. The question, in fact, was set at rest several years afterwards, by a bill, introduced into parliament by the late Mr Fox in 1791, and which passed in 1792, by which the right of juries to pronounce not only respecting the fact but the crime is fully recognised—*Ed.*

yer of character, in Westminster Hall, will contradict me. To show the falsehood of Lord Mansfield's doctrine, it is not necessary to enter into the merits of the paper which produced the trial. If every line of it were treason, his charge to the jury would still be false, absurd, illegal, and unconstitutional. If I stated the merits of my *letter to the king, I should imitate Lord Mansfield,* and travel out of the record*. When *law and reason* speak plainly, we do not want *authority* to direct our understandings. Yet, for the honour of the profes-

* The following quotation, from a speech delivered by Lord Chatham, on the 11th of December 1770, is taken with exactness. The reader will find it curious in itself, and very fit to be inserted here. "My lords, the verdict given in Woodfall's trial was, *guilty of printing and publishing only*; upon which two motions were made in court: one, in arrest of judgment, by the defendant's counsel, grounded upon the ambiguity of the verdict; the other, by the counsel for the crown, for a rule upon the defendant, to show cause why the verdict should not be entered up according to the *legal* import of the words. On both motions a rule was granted, and soon after the matter was argued before the court of King's Bench. The noble judge, when he delivered the opinion of the court upon the verdict, went regularly through the whole of the proceedings at *Nisi Prius*, as well the evidence that had been given as his own charge to the jury. This proceeding would have been very proper, had a motion been made on either side for a new trial; because either a verdict given contrary to evidence, or an improper charge by the judge at *Nisi Prius*, is held to be a sufficient ground for granting a new trial. But when a motion is made in arrest of judgment, or for establishing the verdict, by entering it up according to the legal import of the words, it must be on the ground of something appearing *on the face of the record*; and the court, in considering whether the verdict shall be established or not, are so confined to the *record*, that they cannot take notice of any thing that does not appear on the face of it; in the legal phrase, *they cannot travel out of the record*. The noble judge did travel out of the record; and I affirm, that his discourse was *irregular, extra-judicial, and unprecedented*. His apparent motive for doing what he knew to be wrong, was, that he might have an opportunity of telling the public, *extra-judicially*, that the other three judges concurred in the doctrine laid down in his charge."

sion, I am content to oppose one lawyer to another, especially when it happens that the king's attorney-general has virtually disclaimed the doctrine by which the chief justice meant to ensure success to the prosecution. The opinion of the plaintiff's counsel (however it may be otherwise insignificant) is weighty in the scale of the defendant. My Lord Chief Justice de Grey, who filed the information *ex officio*, is directly with me. If he had concurred in Lord Mansfield's doctrine, the trial must have been a very short one. The facts were either admitted by Woodfall's counsel, or easily proved to the satisfaction of the jury. But Mr de Grey, far from thinking he should acquit himself of his duty by barely proving the facts, entered largely, and, I confess, not without ability, into the demerits of the paper, which he called a *sedition libel*. He dwelt but lightly upon those points which (according to Lord Mansfield) were the only matter of consideration to the jury. The criminal intent, the libellous matter, the pernicious tendency of the paper itself, were the topics on which he principally insisted, and of which, for more than an hour, he tortured his faculties to convince the jury. If he agreed in opinion with Lord Mansfield, his discourse was impertinent, ridiculous, and unreasonable. But, understanding the law as I do, what he said was at least consistent and to the purpose.

If any honest man should still be inclined to leave the construction of libels to the court, I would entreat him to consider what a dreadful complication of hardships he imposes upon his fellow-subjects. In the first place, the prosecution commences by *information* of an officer of the crown, not by the regular constitutional mode of *indictment* before a grand jury. As the fact is usually admitted, or, in general, can easily be proved, the office of the petty jury is nugatory. The *court* then judges of the nature and extent of the offence, and deter-

mines, *ad arbitrium*, the *quantum* of the punishment, from a small fine to a heavy one, to repeated whipping, to pillory, and unlimited imprisonment. Cutting off ears and noses *might* still be inflicted by a resolute judge; but I will be candid enough to suppose, that penalties so apparently shocking to humanity, would not be hazarded in these times. In all other criminal prosecutions, the jury decides upon the fact and the crime in one word, and the court pronounces a certain sentence, which is the sentence of the law, not of the judge. If Lord Mansfield's doctrine be received, the jury must either find a verdict of acquittal, contrary to evidence, which, I can conceive, might be done by very conscientious men, rather than trust a fellow-creature to Lord Mansfield's mercy, or they must leave to the court two offices, never but in this instance united, of finding guilty and awarding punishment.

“ But,” says this honest lord chief justice, “ if the paper be not criminal, the defendant (though found guilty by his peers) is in no danger, for he may move the court in arrest of judgment.” True, my good lord; but who is to determine upon the motion? Is not the court still to decide whether judgment shall be entered up or not? and is not the defendant this way as effectually deprived of judgment by his peers as if he were tried in a court of civil law, or in the chambers of the inquisition? It is you, my lord, who then try the crime, not the jury. As to the probable effect of the motion in arrest of judgment, I shall only observe, that no reasonable man would be so eager to possess himself of the invidious power of inflicting punishment, if he were not predetermined to make use of it.

Again, we are told that judge and jury have a distinct office; that the jury is to find the fact, and the judge to deliver the law. *De jure respondent*

judices, de facto jurati. The *dictum* is true, though not in the sense given to it by Lord Mansfield. The jury are undoubtedly to determine the fact ; that is, whether the defendant did, or did not, commit the crime charged against him. The judge pronounces the sentence annexed by law to that fact so found ; and if, in the course of the trial, any question of law arises, both the counsel and the jury must, of necessity, appeal to the judge, and leave it to his decision. An *exception*, or *plea in bar*, may be allowed by the court ; but, when issue is joined, and the jury have received their charge, it is not possible in the nature of things for them to separate the law from the fact, unless they think proper to return a *special verdict*.

It has also been alleged, that, although a common jury are sufficient to determine a plain matter of fact, they are not qualified to comprehend the meaning, or to judge of the tendency of a seditious libel. In answer to this objection (which, if well founded, would prove nothing as to the *strict right* of returning a general verdict), I might safely deny the truth of the assertion. Englishmen of that rank from which juries are usually taken are not so illiterate as (to serve a particular purpose) they are now represented. Or, admitting the fact, let a special jury be summoned in all cases of difficulty and importance, and the objection is removed. But the truth is, that, if a paper, supposed to be a libel upon government, be so obscurely worded, that twelve common men cannot possibly see the seditious meaning and tendency of it, it is in effect no libel. It cannot inflame the minds of the people, nor alienate their affections from government ; for they no more understand what it means than if it were published in a language unknown to them.

Upon the whole matter, it appears, to my understanding, clear, beyond a doubt, that if, in any fu-

ture prosecution for a seditious libel, the jury should bring in a verdict of acquittal, not warranted by the evidence, it will be owing to the false and absurd doctrines laid down by Lord Mansfield. Disgusted at the odious artifices made use of by the judge to mislead and perplex them, guarded against his sophistry, and convinced of the falsehood of his assertions, they may, perhaps, determine to thwart his detestable purpose, and defeat him at any rate. To *him*, at least, they will do *substantial justice*. Whereas, if the whole charge laid in the information be fairly and honestly submitted to the jury, there is no reason whatsoever to presume that twelve men, upon their oaths, will not decide impartially between the king and the defendant. The numerous instances, in our state trials, of verdicts recovered for the king, sufficiently refute the false and scandalous imputations thrown out by the abettors of Lord Mansfield upon the integrity of juries. But, even admitting the supposition, that, in times of universal discontent, arising from the notorious mal-administration of public affairs, a seditious writer should escape punishment, it makes nothing against my general argument. If juries are fallible, to what other tribunal shall we appeal? If juries cannot safely be trusted, shall we unite the offices of judge and jury, so wisely divided by the constitution, and trust implicitly to Lord Mansfield? Are the judges of the court of King's Bench more likely to be unbiassed and impartial than twelve yeomen, burgesses, or gentlemen, taken indifferently from the county at large? Or, in short, shall there be no decision until we have instituted a tribunal from which no possible abuse or inconvenience whatsoever can arise? If I am not grossly mistaken, these questions carry a decisive answer along with them.

Having cleared the freedom of the press from a

restraint equally unnecessary and illegal, I return to the use which has been made of it in the present publication.*

National reflections, I confess, are not justified in theory, nor upon any general principles. To know how well they are deserved, and how justly they have been applied, we must have the evidence of facts before us. We must be conversant with the Scots in private life, and observe their principles of acting to us, and to each other; the characteristic prudence, the selfish nationality, the indefatigable smile, the persevering assiduity, the everlasting profession of a discreet and moderate resentment. If the instance were not too important for an experiment, it might not be amiss to confide a little in their integrity. Without any abstract reasoning upon causes and effects, we shall soon be convinced, by experience, that the Scots, transplanted from their own country, are always a distinct and separate body from the people who receive them. In other settlements they only love themselves: in England they cordially love themselves, and as cordially hate their neighbours. For the remainder of their good qualities I must appeal to the reader's observation, unless he will accept of my *Lord Barington's* authority in a letter to the late *Lord Melcombe*, published by *Mr Lee*: he expresses himself with a truth and accuracy not very common in his lordship's lucubrations. "And Cockburn, like most of his countrymen, is as abject to those above him, as he is insolent to those below him." I am far from meaning to impeach the articles of the

* The subjects discussed in this preface are,—1. The right of juries to return a general verdict; 2. The justice of those reflections which in the course of the work are thrown out against the Scots national character; and, 3. The right which the author claimed of subjecting the character of the sovereign to free and public discussion. It is with the two last of these that the remainder of the preface is occupied.—*Ed.*

union. If the true spirit of those articles were religiously adhered to, we should not see such a multitude of Scotch commoners in the lower house, as representatives of English boroughs, while not a single Scotch borough is ever represented by an Englishman. We should not see English peerages given to Scotch ladies, or to the elder sons of Scotch peers, and the number of *sixteen* doubled and trebled by a scandalous evasion of the act of union. If it should ever be thought advisable to dissolve an act, the violation or observance of which is invariably directed by the advantage and interest of the Scots, I shall say very sincerely with Sir Edward Coke,* “When poor England stood alone, and had not the access of another kingdom, and yet had more and as potent enemies as it now hath, yet the king of England prevailed.”

Some opinion may now be expected from me upon a point of equal delicacy to the writer and hazard to the printer. When the character of the chief magistrate is in question, more must be understood than may be safely expressed. If it be really a part of our constitution, and not a mere *dictum* of the law, *that the king can do no wrong*, it is not the only instance, in the wisest of human institutions, where theory is at variance with practice. That the sovereign of this country is not amenable to any form of trial known to the laws is unquestionable. But exemption from punishment is a singular privilege annexed to the royal character, and no way excludes the possibility of deserving it. How long, and to what extent, a king of England may be protected by the forms, when he violates the spirit, of the constitution, deserves to be considered. A mistake in this matter proved fatal to Charles and his son. For my own part, far

* Parliamentary History, vol. vii. p. 460.

from thinking that the king can do no wrong, far from suffering myself to be deterred or imposed upon by the language of forms, in opposition to the substantial evidence of truth, if it were my misfortune to live under the inauspicious reign of a prince, whose whole life was employed in one base, contemptible struggle with the free spirit of his people, or in the detestable endeavour to corrupt their moral principles, I would not scruple to declare to him, " Sir, you alone are the author of the greatest wrong to your subjects and to yourself. Instead of reigning in the hearts of your people, instead of commanding their lives and fortunes through the medium of their affections, has not the strength of the crown, whether influence or prerogative, been uniformly exerted, for eleven years together, to support a narrow, pitiful system of government, which defeats itself, and answers no one purpose of real power, profit, or personal satisfaction to you ?* With the greatest unappropriated revenue of any prince in Europe, have we not seen you reduced to such vile and sordid distresses as would have conducted any other man to a prison ? With a great military, and the greatest naval power in the known world, have not foreign nations repeatedly insulted you with impunity ? Is it not notorious that the vast revenues, extorted from the labour and industry of your subjects, and given you to do honour to yourself and to the nation, are dissipated in corrupting their representatives ? Are you a prince of the house of Hanover, and do you exclude all the leading whig families from your councils ?† Do you profess to govern according to law,

* The reader will find the different topics of accusation here alluded to explained in the " General View of Political Events" prefixed to this edition.—*Ed.*

† The exclusion of the great whig families from the influence which they had possessed during the two preceding reigns, was perhaps the chief cause of those discontents and tumults which rendered the first years of the reign of George the Third so agitated.—*Ed.*

and is it consistent with that profession to impart your confidence and affection to those men only who, though now, perhaps, detached from the desperate cause of the pretender, are marked in this country by an hereditary attachment to high and arbitrary principles of government? * Are you so infatuated as to take the sense of your people from the representation of ministers, or from the shouts of a mob, notoriously hired to surround your coach, or stationed at a theatre? And if you are in reality that public man, that king, that magistrate, which these questions suppose you to be, is it any answer to your people to say, that, among your domestics, you are good-humoured; that to one lady you are faithful; that to your children you are indulgent? Sir, the man who addresses you in these terms is your best friend. He would willingly hazard his life in defence of your title to the crown; and, if power be your object, will still show you how possible it is for a king of England, by the noblest means, to be the most absolute prince in Europe. You have no enemies, sir, but those who persuade you to aim at power without right, and who think it flattery to tell you that the character of king dissolves the natural relation between guilt and punishment."

I cannot conceive that there is a heart so callous, or an understanding so depraved, as to attend to a discourse of this nature, and not to feel the force of it. But where is the man, among those who have access to the closet, resolute and honest enough to deliver it? The liberty of the press is our only resource. It will command an audience, when every honest man in the kingdom is excluded. This glorious privilege may be a security to the king, as well as a resource to his people. Had there been no star-chamber, there would have been no rebellion against

* Lord Mansfield's brother was secretary to the Pretender.
Ed.

Charles the First. The constant censure and admonition of the press would have corrected his conduct, prevented a civil war, and saved him from an ignominious death. I am no friend to the doctrine of precedents, exclusive of right; though lawyers often tell us, that, whatever has been once done, may lawfully be done again. I shall conclude this preface with a quotation, applicable to the subject, from a foreign writer,* whose Essay on the English Constitution I beg leave to recommend to the public, as a performance deep, solid, and ingenious.

“ In short, whoever considers what it is that constitutes the moving principle of what we call great affairs, and the invincible sensibility of man to the opinion of his fellow-creatures, will not hesitate to affirm, that if it were possible for the liberty of the press to exist in a despotic government, and (what is not less difficult) for it to exist without changing the constitution, this liberty of the press would alone form a counterpoise to the power of the prince. If, for example, in an empire of the East, a sanctuary could be found, which, rendered respectable by the ancient religion of the people, might ensure safety to those who should bring thither their observations of any kind; and that, from thence, printed papers should issue, which, under a certain seal, might be equally respected; and which, in their daily appearance, should examine and freely discuss the conduct of the cadis, the bashaws, the vizir, the divan, and the sultan himself; that would introduce immediately some degree of liberty.”

* Monsieur de Lolme.



LETTERS OF JUNIUS.

LETTER I.

Addressed to the Printer of the Public Advertiser.

SIR,

January 21, 1769.

THE submission of a free people to the executive authority of government, is no more than a compliance with laws which they themselves have enacted. While the national honour is firmly maintained abroad, and while justice is impartially administered at home, the obedience of the subject will be voluntary, cheerful, and, I might almost say, unlimited. A generous nation is grateful even for the preservation of its rights, and willingly extends the respect due to the office of a good prince into an affection for his person. Loyalty, in the heart and understanding of an Englishman, is a rational attachment to the guardian of the laws. Prejudices and passion have sometimes carried it to a criminal length, and, whatever foreigners may imagine, we know that Englishmen have erred as much in a mistaken zeal for particular persons and families, as they ever did in defence of what they thought most dear and interesting to themselves.

It naturally fills us with resentment, to see such a temper insulted and abused. In reading the history of a free people, whose rights have been invaded, we are interested in their cause. Our own feelings tell us how long they ought to have sub-

mitted, and at what moment it would have been treachery to themselves not to have resisted. How much warmer will be our resentment, if experience should bring the fatal example home to ourselves !

The situation of this country is alarming enough to rouse the attention of every man who pretends to a concern for the public welfare. Appearances justify suspicion ; and when the safety of a nation is at stake, suspicion is a just ground of inquiry. Let us enter into it with candour and decency. Respect is due to the station of ministers ; and, if a resolution must at last be taken, there is none so likely to be supported with firmness, as that which has been adopted with moderation.

The ruin or prosperity of a state depends so much upon the administration of its government, that, to be acquainted with the merit of a ministry, we need only observe the condition of the people. If we see them obedient to the laws, prosperous in their industry, united at home, and respected abroad, we may reasonably presume that their affairs are conducted by men of experience, abilities, and virtue. If, on the contrary, we see an universal spirit of distrust and dissatisfaction, a rapid decay of trade, dissensions in all parts of the empire, and a total loss of respect in the eyes of foreign powers, we may pronounce, without hesitation, that the government of that country is weak, distracted, and corrupt. The multitude, in all countries, are patient to a certain point. Ill usage may rouse their indignation, and hurry them into excesses ; but the original fault is in government. Perhaps there never was an instance of a change in the circumstances and temper of a whole nation so sudden and extraordinary as that which the misconduct of ministers has, within these few years, produced in Great Britain. When our gracious sovereign ascended the throne, we were a flourishing and a contented people. If the personal virtues of a king could have ensured

the happiness of his subjects, the scene could not have altered so entirely as it has done. The idea of uniting all parties, of trying all characters, and distributing the offices of state by rotation, was gracious and benevolent to an extreme, though it has not yet produced the many salutary effects which were intended by it. To say nothing of the wisdom of such a plan, it undoubtedly arose from an unbounded goodness of heart, in which folly had no share. It was not a capricious partiality to new faces ; it was not a natural turn for low intrigue ; nor was it the treacherous amusement of double and triple negotiations. No, sir, it arose from a continued anxiety in the purest of all possible hearts for the general welfare. Unfortunately for us the event has not been answerable to the design. After a rapid succession of changes, we are reduced to that state which hardly any change can mend. Yet there is no extremity of distress which of itself ought to reduce a great nation to despair. It is not the disorder, but the physician ; it is not a casual concurrence of calamitous circumstances ; it is the pernicious hand of government which alone can make a whole people desperate.*

Without much political sagacity, or any extraor-

* The reader will find an account of the different administrations, from the commencement of the reign of George the Third till the period of which the author now speaks, at page 20 of the Preliminary Dissertations of this editor. The ministry, to a review of whose transactions this introductory letter is devoted, stood as follows:—Duke of Grafton, first lord of the treasury ; Lord North, chancellor of the exchequer ; Lord Camden, lord chancellor ; Lord Viscount Townshend, lord lieutenant of Ireland ; Earl Rochefort, minister for the foreign department ; Viscount Weymouth, for the home department ; Earl of Hillsborough, American minister ; Earl Gower, lord president of the council ; Earl Bristol, lord privy seal ; Sir Edward Hawke, first lord of the admiralty ; Viscount Barrington, secretary at war ; Marquis of Granby, master general of the ordnance ; Lord Howe, treasurer of the navy ; Mr De Grey, attorney general ; Mr Dunning, solicitor general.—*Ed.*

dinary depth of observation, we need only mark how the principal departments of the state are bestowed, and look no farther for the true cause of every mischief that befalls us.

The * finances of a nation, sinking under its debts and expenses, are committed to a young nobleman already ruined by play. Introduced to act under the auspices of Lord Chatham, and left at the head of affairs by that nobleman's retreat, he became minister by accident; but deserting the principles and professions which gave him a moment's popularity, we see him, from every honourable engagement to the public, an apostate by design. As for business, the world yet knows nothing of his talents or resolution; unless a wayward wavering inconsistency be a mark of genius, and caprice a demonstration of spirit. It may be said, perhaps, that it is his grace's province, as surely it is his passion, rather to distribute than save the public money; and that while Lord North is chancellor of the exchequer, the first lord of the treasury may be as thoughtless and extravagant as he pleases. I hope, however, he will not rely too much on the fertility of Lord North's genius for finance: his lordship is yet to give us the first proof of his abilities. It may be candid to suppose that he has hitherto voluntarily concealed his talents; intending, perhaps, to astonish the world, when we least expect it, with a knowledge of trade, a choice of expedients, and a depth of resources, equal to the necessities, and far beyond the hopes of his

* The Duke of Grafton took the office of secretary of state with an engagement to support the Marquis of Rockingham's administration. He resigned, however, in a little time, under pretence that he could not act without Lord Chatham, nor bear to see Mr Wilkes abandoned; but that under Lord Chatham he would act in *any* office. This was the signal for Lord Rockingham's dismissal. When Lord Chatham came in, the duke got possession of the treasury. Reader, mark the consequence!

country. He must now exert the whole power of his capacity, if he would wish us to forget that, since he has been in office, no plan has been formed, no system adhered to, nor any one important measure adopted for the relief of public credit. If his plan for the service of the current year be not irrevocably fixed on, let me warn him to think seriously of consequences before he ventures to increase the public debt. Outraged and oppressed as we are, this nation will not bear, after a six years' peace, to see new millions borrowed, without an eventual diminution of debt, or reduction of interest. The attempt might rouse a spirit of resentment which might reach beyond the sacrifice of a minister. As to the debt upon the civil list, the people of England expect that it will not be paid without a strict inquiry how it was incurred. If it must be paid by parliament, let me advise the chancellor of the exchequer to think of some better expedient than a lottery. To support an expensive war, or in circumstances of absolute necessity, a lottery may perhaps be allowable; but, besides that it is at all times the very worst way of raising money upon the people, I think it ill becomes the royal dignity to have the debts of a king provided for like the repairs of a country bridge, or a decayed hospital. The management of the king's affairs in the House of Commons cannot be more disgraced than it has been. A leading minister* repeatedly called down for absolute ignorance, ridiculous motions ridiculously withdrawn, deliberate plans disconcerted, and a week's preparation of graceful oratory lost in a moment, give us some, though not adequate ideas, of Lord North's parliamentary abilities and influence. Yet, before he had the misfortune of being chancellor of the exchequer, he was neither an

* This happened frequently to poor Lord North.

object of derision to his enemies, nor of melancholy pity to his friends.

A series of inconsistent measures has alienated the colonies from their duty as subjects, and from their natural affections to their common country. When Mr Grenville* was placed at the head of the treasury, he felt the impossibility of Great Britain's supporting such an establishment, as her former successes had made indispensable, and at the same time of giving any sensible relief to foreign trade, and to the weight of the public debt. He thought it equitable, that those parts of the empire which had benefited most by the expenses of the war, should contribute something to the expenses of the peace, and he had no doubt of the constitutional right vested in parliament to raise the contribution. But, unfortunately for this country, Mr Grenville was at any rate to be distressed because he was minister; and Mr Pitt† and Lord Camden were to

* It has been remarked, that Mr Grenville, during whose administration the celebrated American stamp act was passed, is one of the very few public characters respecting whom Junius uniformly speaks with respect. He was the younger brother of Lord Temple, and brother-in-law to Lord Chatham, and was trained to politics under the auspices of his maternal uncle, Lord Cobham. His first political predilections were in favour of the tories, and he was made one of the secretaries of state when Lord Bute, in 1672, was appointed first lord of the treasury. The stamp act, by which chiefly his administration has been rendered remarkable, is said to have been planned by him; and the same vigorous system of politics which led him to patronize this measure, also led him to commence that opposition to Wilkes which afterwards threw the nation into such a ferment. He was afterwards disgusted with Lord Bute, and finally became a decided whig of the Rockingham kind. He had the misfortune of originating measures from which very disastrous consequences arose; but his talents as a minister, and his character as a man, have been repeatedly sketched by authors of great ability, and are always spoken of with high respect. The opinions of Junius himself were decidedly in favour of the stamp act.—*Ed.*

† Yet *Junius* has been called the partisan of Lord Chatham!

be the patrons of America because they were in opposition. Their declaration gave spirit and argument to the colonies; and while, perhaps, they meant no more than the ruin of a minister, they, in effect, divided one half of the empire from the other.

Under one administration the stamp-act is made; under the second it is repealed; under the third, in spite of all experience, a new mode of taxing the colonies is invented, and a question revived which ought to have been buried in oblivion. In these circumstances a new office* is established for the

* The new office here alluded to was that of secretary for America. It appears that, upon the death of Queen Anne, the necessity of giving particular attention to the affairs of Scotland had led to the creation of a secretaryship expressly devoted to that purpose. At the cessation of the rebellion, the quiet state of Scotland seemed to render the continuance of this office unnecessary. But the rebellious spirit of America had now come in place of that of Scotland, and therefore the suppressed secretaryship was revived and given to the Earl of Hillsborough. It was an office, considering the state of the colonies at that time, of pre-eminent difficulty; and, if we may believe Junius, the duties of it were not executed by this nobleman in the most judicious manner. In one of his letters, signed Atticus, he conveys the same sentiments, which are delivered in the text, respecting the conduct of this nobleman, in the following words:—"In his new department, I am sorry to say, he has shewn neither abilities nor good sense. His letters to the colonies contain nothing but expressions equally loose and violent. The minds of the Americans are not to be conciliated by a language which only contradicts without attempting to persuade. His correspondence, upon the whole, is so destitute both in design and composition, that it would deserve even pity, if the consequences to be dreaded from it did not excite our indignation. This treatment of the colonies, added to his refusal to present a petition from one of them to the king (a direct breach of the declaration of rights), will naturally throw them into a flame. I protest, sir, I am astonished at the infatuation which seems to have directed his whole conduct. The other ministers were proceeding in their usual course, without foreseeing or regarding consequences; but this nobleman seems to have marked out, by a determined choice, the means to precipitate our destruction."—*Ed.*

business of the plantations, and the Earl of Hillsborough called forth, at a most critical season, to govern America. The choice, at least, announced to us a man of superior capacity and knowledge. Whether he be so or not, let his despatches, as far as they have appeared, let his measures, as far as they have operated, determine for him. In the former we have seen strong assertions without proof, declamation without argument, and violent censures without dignity or moderation; but neither correctness in the composition, nor judgment in the design. As for his measures, let it be remembered that he was called upon to conciliate and unite; and that, when he entered into office, the most refractory of the colonies were still disposed to proceed by the constitutional methods of petition and remonstrance. Since that period they have been driven into excesses little short of rebellion. Petitions have been hindered from reaching the throne; and the continuance of one of the principal assemblies rested upon an arbitrary condition,* which, considering the temper they were in, it was impossible they should comply with; and which would have availed nothing as to the general question if it had been complied with. So violent, and, I believe I may call it, so unconstitutional an exertion of the prerogative, to say nothing of the weak, injudicious terms in which it was conveyed, gives us as humble an opinion of his lordship's capacity, as it does of his temper and moderation. While we are at peace with other nations, our military force may perhaps be spared to support the Earl of Hillsborough's measures in America. Whenever that force shall be necessarily withdrawn or diminished, the dismissal of such a minister will neither console us for his imprudence, nor remove the settled resentment of a people, who,

* That they should retract one of their resolutions, and erase the entry of it.

complaining of an act of the legislature, are outraged by an unwarrantable stretch of prerogative; and, supporting their claims by argument, are insulted with declamation.

Drawing lots would be a prudent and reasonable method of appointing the officers of state, compared to a late disposition of the secretary's office. Lord Rochford was acquainted with the affairs and temper of the southern courts; Lord Weymouth was equally qualified for either department;* by what unaccountable caprice has it happened, that the latter, who pretends to no experience whatsoever, is removed to the most important of the two departments; and the former, by preference, placed in an office where his experience can be of no use to him? Lord Weymouth had distinguished himself in his first employment by a spirited if not judicious conduct. He had animated the civil magistrate beyond the tone of civil authority, and had directed the operations of the army to more than military execution. Recovered from the errors of his youth, from the distraction of play, and the bewitching smiles of Burgundy,† behold him exerting the whole strength of his clear, unclouded faculties, in the service of the crown. It was not the heat of midnight excesses, nor ignorance of the laws, nor the furious spirit of the house of Bedford; no, sir, when this respectable minister interposed his autho-

* It was pretended that the Earl of Rochford, while ambassador in France, had quarrelled with the Duke of Choiseul; and that, therefore, he was appointed to the northern department, out of compliment to the French minister.

† The allusion here made to Lord Weymouth's fondness for the bottle is repeated, upon the occasion of his lordship's resignation, in the following terms, Letter 49:—"Will your grace forgive me, if I venture to express some anxiety for a man whom I know you do not love? My Lord Weymouth has cowardice to plead, yet he must have bread, my lord; or rather he must have wine. If you deny him the cup, there will be no keeping him within the pale of the ministry."—*Ed.*

city between the magistrate and the people, and signed the mandate on which, for aught he knew, the lives of thousands depended, he did it from the deliberate motion of his heart, supported by the best of his judgment.

It has lately been a fashion to pay a compliment to the bravery and generosity of the commander in chief,* at the expense of his understanding. They who love him least make no question of his courage, while his friends dwell chiefly on the facility of his disposition. Admitting him to be as brave as a total absence of all feeling and reflection can make him, let us see what sort of merit he derives from the remainder of his character. If it be generosity to accumulate, in his own person and family, a number of lucrative employments; to provide, at the public expense, for every creature that bears the name of Manners; and, neglecting the merit and services of the rest of the army, to heap promotions upon his favourites and dependants; the present commander in chief is the most generous man alive. Nature has been sparing of her gifts to this noble lord; but where birth and fortune are united, we expect the noble pride and independence of a man of spirit, not the servile humiliating complaisance of a courtier. As to the goodness of his heart, if a proof of it be taken from the facility of never refusing, what conclusion shall we draw from the indecency of never performing? And if the discipline of the army be in any degree preserved, what thanks are due to a man whose cares, notoriously confined to filling up vacancies, have degraded the office of commander in chief into a broker of commissions?

With respect to the navy, I shall only say, that this country is so highly indebted to Sir Edward

* The late Lord Granby.

Hawke, that no expense should be spared to secure to him an honourable and affluent retreat.

The pure and impartial administration of justice is, perhaps, the firmest bond to secure a cheerful submission of the people, and to engage their affections to government. It is not sufficient that questions of private right or wrong are justly decided, nor that judges are superior to the vileness of pecuniary corruption. Jefferies himself, when the court had no interest, was an upright judge. A court of justice may be subject to another sort of bias, more important and pernicious, as it reaches beyond the interest of individuals, and affects the whole community. A judge, under the influence of government, may be honest enough in the decision of private causes, yet a traitor to the public.—When a victim is marked out by the ministry, this judge will offer himself to perform the sacrifice. He will not scruple to prostitute his dignity, and betray the sanctity of his office, whenever an arbitrary point is to be carried for government, or the resentment of a court to be gratified.*

These principles and proceedings, odious and contemptible as they are, in effect are no less injudicious. A wise and generous people are roused by every appearance of oppressive, unconstitutional measures, whether those measures are supported only by the power of government, or masked under the forms of a court of justice. Prudence and self-preservation will oblige the most moderate dispositions to make common cause, even with a man† whose conduct they censure, if they see him persecuted in a way which the real spirit of the laws will not justify. The facts on which these remarks

* In the preceding paragraph our author has Lord Mansfield in his eye, for whose conduct as a judge he had a confirmed dislike.—*Ed.*

† Wilkes.—*Ed.*

are founded, are too notorious to require an application.

This, sir, is the detail. In one view, behold a nation overwhelmed with debt; her revenues wasted, her trade declining; the affections of her colonies alienated; the duty of the magistrate transferred to the soldiery; a gallant army, which never fought unwillingly but against their fellow-subjects, mouldering away for want of the direction of a man of common abilities and spirit; and, in the last instance, the administration of justice become odious and suspected to the whole body of the people. This deplorable scene admits of but one addition; that we are governed by counsels from which a reasonable man can expect no remedy but poison, no relief but death.

If, by the immediate interposition of Providence, it were possible for us to escape a crisis so full of terror and despair, posterity will not believe the history of the present times. They will either conclude that our distresses were imaginary, or that we had the good fortune to be governed by men of acknowledged integrity and wisdom; they will not believe it possible that their ancestors could have survived or recovered from so desperate a condition, while a Duke of Grafton was prime minister, and a Lord North chancellor of the exchequer; a Weymouth and a Hillsborough secretaries of state; a Granby commander in chief; and a Mansfield chief criminal judge of the kingdom.* JUNIUS.

* His first letter," says Sir N. W. Wraxall, "depictures, in the severest colours, the situation of the country; dishonoured, as he asserts, in the eyes of foreign nations; disunited, oppressed, and ill-administered at home. Like Satan, when invoking his stupified and fallen associates, he seems to exclaim, while endeavouring to rouse the English nation from their political apathy,

'Awake, arise, or be for ever fallen.'

The conclusion of his opening address operated with amazing effect, and can hardly be exceeded in energy."—*Ed.*

LETTER II.

To the Printer of the Public Advertiser.

SIR,

January 26, 1769.

*THE kingdom swarms with such numbers of felonious robbers of private character and virtue, that no honest or good man is safe; especially as these

* An opinion has been pretty generally entertained, that the contest maintained by Sir William Draper with Junius, did much to draw the attention of the public to the latter writer. And this opinion has not been adopted without reason; for it is to be remarked, that the high popularity of Junius commenced with his appearance under that signature, although he had been for a considerable time a correspondent of the Public Advertiser under other names, but without having succeeded in producing that deep impression which he afterwards made. Yet some of his letters under these other signatures, and particularly those signed Atticus, are characterized by a power and polish of diction, which, perhaps, none of his letters signed Junius have surpassed. Indeed, however high these Letters undoubtedly rank in point of composition, the style of writing by which they are distinguished is not such as we should suppose best adapted for a public newspaper, or for making an impression upon general readers; and some fortunate circumstance, therefore, was necessary to draw particularly the attention of the public, before it was possible that they could enter into all the nicety of diction, fierceness of invective, and power of sarcasm, which so remarkably distinguish the Letters. The answer of an opponent of considerable rank, who had already distinguished himself by his gallantry, and who put his name to his performance, naturally did much to draw his antagonist into notice; and it happened unfortunately for Sir William, that he was not exactly the man who was fitted, by his manner of conducting an argument, to have lessened his antagonist in the public estimation. Had Horne Tooke, instead of Sir William Draper, been the first public opponent of Junius, it is not easy to say how far the effect of these celebrated productions might have been counteracted.

The history of Sir William Draper does not involve many particulars. He had received, as Junius has remarked, an academical education, and seems, at all times, to have been

cowardly, base assassins, stab in the dark, without having the courage to sign their real names to their malevolent and wicked productions. A writer, who

fond of appearing as a writer. Indeed, before this time, he had written repeatedly for the Public Advertiser. But although he had this fondness for writing, and probably plumed himself on his literary talents, the life of Sir William had been very different from that of a man of letters: From the bowers of Eton and Cambridge, where he had been imbued with a taste for literature, he repaired to India, and was one of the distinguished officers who, at that time, figured in that scene of British triumph. In particular, he commanded the expedition against Manilla, a short account of which will be found in a subsequent note, and in the conduct of which he covered himself with glory. Sir William himself has informed us, in one of the letters which follow, that for his services at Madras, his late majesty, George III., was pleased to give him the government of Yarmouth; that upon the reduction of the 79th regiment, which had served with him so gloriously in the East Indies, his majesty, unsolicited by Sir William, gave him the 16th foot as an equivalent, and that he had also been promised the first vacant red ribbon for his services in the same expedition. He afterwards resigned his regiment to Colonel Gisborne for his half-pay and £200 of Irish annuity. This transaction, which happens frequently enough, Sir William says he was induced to enter into, from his having begun to feel the effects of long service in ungenial climates, and from his natural wish to spend the remainder of an active life at home and in quiet. Having lost his wife soon after his dispute with Junius, he set sail for the United States, with the view of making the tour of them. He was received with the distinction due to his rank and services, and married at New York Miss de Lancy, a lady of agreeable manners and of high connexions in that country, who, however, did not long continue his partner—She died in 1778, leaving him a daughter. He was afterwards appointed lieutenant governor of Minorca, and died at Bath in 1787.

Sir William, besides his occasional contributions to the public prints, had rendered himself remarkable by his spirited memorials in opposition to the Spanish claims; and his style, though not that of a man who should have contended with Junius, is sufficiently good for the purposes to which it was more commonly applied. The character of Sir William is pretty strongly marked, even in the few specimens of his composition which these Letters contain. With perfect bravery, he had evidently no inconsiderable share of vanity; and, with the best intentions, his plans for the public good were in general characterized by a sufficient want of the two great requisites, depth and solidity.—Ed.

signs himself *Junius*, in the Public Advertiser of the 21st instant, opens the deplorable situation of his country in a very affecting manner. With a pompous parade of his candour and decency, he tells us that we see dissensions in all parts of the empire, an universal spirit of distrust and dissatisfaction, and a total loss of respect towards us in the eyes of foreign powers. But this writer, with all his boasted candour, has not told us the real cause of the evils he so pathetically enumerates. I shall take the liberty to explain the cause for him. Junius, and such writers as himself, occasion all the mischief complained of, by falsely and maliciously traducing the best characters in the kingdom: for when our deluded people at home, and foreigners abroad, read the poisonous and inflammatory libels that are daily published with impunity, to vilify those who are any way distinguished by their good qualities and eminent virtues; when they find no notice taken of, or reply given, to these slanderous tongues and pens, their conclusion is, that both the ministers and the nation have been fairly described, and they act accordingly. I think it, therefore, the duty of every good citizen to stand forth, and endeavour to undeceive the public, when the vilest arts are made use of to defame and blacken the brightest characters among us. An eminent author affirms it to be almost as criminal to hear a worthy man traduced, without attempting his justification, as to be the author of the calumny against him. For my own part, I think it a sort of misprision of treason against society. No man, therefore, who knows Lord Granby, can possibly hear so good and great a character most vilely abused, without a warm and just indignation against this Junius—this high-priest of envy, malice, and all uncharitableness, who has endeavoured to sacrifice our beloved commander in chief at the altars of his horrid deities. Nor is the injury done to his lordship alone, but to

the whole nation, which may too soon feel the contempt, and consequently the attacks, of our late enemies, if they can be induced to believe that the person on whom the safety of these kingdoms so much depends, is unequal to his high station, and destitute of those qualities which form a good general. One would have thought that his lordship's services in the cause of his country, from the battle of Culloden to his most glorious conclusion of the late war, might have entitled him to common respect and decency at least; but this uncandid, indecent writer, has gone so far as to turn one of the most amiable men of the age into a stupid, unfeeling, and senseless being; possessed, indeed, of personal courage, but void of those essential qualities which distinguish the commander from the common soldier.

A very long, uninterrupted, impartial (I will add, a most disinterested) friendship, with Lord Granby, gives me the right to affirm, that all Junius's assertions are false and scandalous. Lord Granby's courage, though of the brightest and most ardent kind, is amongst the lowest of his numerous good qualities: he was formed to excel in war, by nature's liberality to his mind as well as person. Educated and instructed by his most noble father, and a most spirited as well as excellent scholar, the present Bishop of Bangor, he was trained to the nicest sense of honour, and to the truest and noblest sort of pride, that of never doing or suffering a mean action. A sincere love and attachment to his king and country, and to their glory, first impelled him to the field, where he never gained aught but honour. He impaired, through his bounty, his own fortune; for his bounty, which this writer would in vain depreciate, is founded upon the noblest of the human affections; it flows from a heart melting to goodness; from the most refined humanity. Can a man, who is described as unfeeling

and void of reflection, be constantly employed in seeking proper objects, on whom to exercise those glorious virtues of compassion and generosity ? The distressed officer, the soldier, the widow, the orphan, and a long list besides, know that vanity has no share in his frequent donations ; he gives, because he feels their distresses. Nor has he ever been rapacious with one hand to be bountiful with the other. Yet this uncandid Junius would insinuate, that the dignity of the commander in chief is depraved into the base office of a commission-broker ; that is, Lord Granby bargains for the sale of commissions ; for it must have this meaning, if it has any at all. But where is the man living who can justly charge his lordship with such mean practices ? Why does not Junius produce him ? Junius knows that he has no other means of wounding this hero, than from some missile weapon, shot from an obscure corner. He seeks, as all such defamatory writers do,

— spargere voces
In vulgum ambiguas,—

to raise suspicion in the minds of the people. But I hope that my countrymen will be no longer imposed upon by artful and designing men, or by wretches, who, bankrupts in business, in fame, and in fortune, mean nothing more than to involve this country in the same common ruin with themselves. Hence it is, that they are constantly aiming their dark, and too often fatal, weapons against those who stand forth as the bulwark of our national safety. Lord Granby was too conspicuous a mark not to be their object. He is next attacked for being unfaithful to his promises and engagements. Where are Junius's proofs ? Although I could give some instances where a breach of promise would be a virtue, especially in the case of those who would pervert the open unsuspecting moments of convi-

vial mirth into sly insidious applications for preferment or party-systems ; and would endeavour to surprise a good man, who cannot bear to see any one leave him dissatisfied, into unguarded promises. Lord Granby's attention to his own family and relations is called selfish. Had he not attended to them, when fair and just opportunities presented themselves, I should have thought him unfeeling and void of reflection indeed. How are any man's friends or relations to be provided for, but from the influence and protection of the patron ? It is unfair to suppose that Lord Granby's friends have not as much merit as the friends of any other great man. If he is generous at the public expense, as Junius invidiously calls it, the public is at no more expense for his lordship's friends, than it would be if any other set of men possessed those offices. The charge is ridiculous !

The last charge against Lord Granby is of a most serious and alarming nature indeed. Junius asserts, that the army is mouldering away for want of the direction of a man of common abilities and spirit. The present condition of the army gives the directest lie to his assertions. It was never upon a more respectable footing with regard to discipline, and all the essentials that can form good soldiers. Lord Ligonier delivered a firm and noble palladium of our safeties into Lord Granby's hands, who has kept it in the same good order in which he received it. The strictest care has been taken to fill up the vacant commissions with such gentlemen as have the glory of their ancestors to support, as well as their own ; and are doubly bound to the cause of their king and country, from motives of private property, as well as public spirit. The adjutant-general, who has the immediate care of the troops after Lord Granby, is an officer that would do great honour in any service in Europe, for his correct arrangements, good sense, and discernment, upon all

occasions, and for a punctuality and precision, which give the most entire satisfaction to all who are obliged to consult him. The reviewing generals, who inspect the army twice a-year, have been selected with the greatest care, and have answered the important trust reposed in them in the most laudable manner. Their reports of the condition of the army are much more to be credited than those of Junius, whom I do advise to atone for his shameful aspersions, by asking pardon of Lord Granby and the whole kingdom, whom he has offended by his abominable scandals. In short, to turn Junius's own battery against him, I must assert, in his own words, "that he has given strong assertions without proof, declamation without argument, and violent censures without dignity or moderation."

WILLIAM DRAPER.

LETTER III.

To Sir William Draper, Knight of the Bath.

SIR,

February 7, 1769.

YOUR defence of Lord Granby does honour to the goodness of your heart. You feel, as you ought to do, for the reputation of your friend, and you express yourself in the warmest language of your passions. In any other cause, I doubt not you would have cautiously weighed the consequences of committing your name to the licentious discourses and malignant opinions of the world. But here, I presume, you thought it would be a breach of friendship to lose one moment in consulting your understanding; as if an appeal to the public were

no more than a military *coup de main*,* where a brave man has no rules to follow but the dictates of his courage. Touched with your generosity, I freely forgive the excesses into which it has led you; and, far from resenting those terms of reproach, which, considering that you are an advocate for decorum, you have heaped upon me rather too liberally, I place them to the account of an honest unreflecting indignation, in which your cooler judgment and natural politeness had no concern. I approve of the spirit with which you have given your name to the public; and, if it were a proof of any thing but spirit, I should have thought myself bound to follow your example. I should have hoped that even *my* name might carry some authority with it, if I had not seen how very little weight or consideration a printed paper receives, even from the respectable signature of Sir William Draper.

You begin with a general assertion, that writers, such as I am, are the real cause of all the public evils we complain of. And do you really think, Sir William, that the licentious pen of a political writer is able to produce such important effects? A little calm reflection might have shown you, that national calamities do not arise from the description, but from the real character and conduct of ministers. To have supported your assertion, you should have proved that the present ministry are unquestionably the *best and brightest* characters of the kingdom; and that, if the affections of the co-

* The reader may here already remark, that fine tone of sarcasm by which Junius, above all modern writers, is distinguished; and that exquisite tact by which he applies himself to the weak parts of his adversary's character and argument. Innumerable instances of the same talent will occur in the course of these letters.—Ed.

lonies have been alienated, if Corsica* has been shamefully abandoned, if commerce languishes, if public credit is threatened with a new debt, and your own Manilla ransom† most dishonourably given

* The Corsicans had, for a long series of years, maintained a magnanimous struggle against the Genoese, whose government they found to be oppressive and humiliating. In the course of this struggle, some leaders of talent appeared on the side of the Corsicans; and the republic of Genoa, finding itself unable to maintain the contest with success, entered into an agreement with the King of France, by which his most Christian Majesty, in consideration of a certain stipulated subsidy, was to send a considerable force, both naval and military, for the reduction of the island. The Corsicans still continued the struggle; and General Paoli was commissioned to wait, both on the King of France, and on the courts of Vienna and of Britain, to solicit their good offices against the fulfilment of this bargain. But the efforts of this small state for its freedom were not beheld by the great powers of Europe as they ought to have been, and the French troops, under Marbœuf, finally overran and subdued the island. This is the abandonment of Corsica mentioned by our author.—*Ed.*

† As the Manilla ransom,—that is to say, the sum offered by the inhabitants of Manilla for the deliverance of their city from plunder—is frequently referred to in the course of these Letters, the following short account of the capture of that city cannot be considered as superfluous:

As soon as news had reached the East Indies that war had been declared by Great Britain against Spain, an armament, under the command of Sir William Draper and Admiral Cornish, sailed from Madras to Leuconia, the principal of the Philippine islands, of which island Manilla is the chief city. On the 25d September, 1762, the armament, having on board about two thousand five hundred men, including many lancers, seapoys, and other irregular troops, anchored in the bay of Manilla. A British force was, even in those days, an object of much terror to a hostile city; and the value of the city which was now threatened rendered the appearance of this armament still more dreadful. For this was the city from which annually the two large vessels, laden with all the precious products of the East, were transmitted across the Pacific to Acapulco. The British troops effected a landing with little difficulty, and proceeded to summon the town to surrender. This was refused by the Marquis de Villa Medina, who commanded within the city. The English were not sufficiently numerous to invest the town, but a resolution was formed to attack it at a point where it was defended by the batteries St Diego and St Andrew. On the

up, it has all been owing to the malice of political writers, who will not suffer the best and brightest characters (meaning still the present ministry) to take a single right step for the honour or interest of the nation. But it seems you were a little tender of coming to particulars. Your conscience insinuated to you that it would be prudent to leave the characters of Grafton, North, Hillsborough, Weymouth, and Mansfield, to shift for themselves; and truly, Sir William, the part you *have* undertaken is at least as much as you are equal to.

Without disputing Lord Granby's courage, we are yet to learn in what articles of military knowledge nature has been so very liberal to his mind. If you have served with him, you ought to have pointed out some instances of able disposition and well-concerted enterprise, which might fairly be at-

4th of October a furious sally was made from the town before daybreak, in which the native troops displayed desperate courage, advancing to the very muzzles of the English muskets, and gnawing their bayonets even in the agonies of death. They were repulsed with great carnage; and this appeared to the commander to be a proper time for storming the town.

The attack was successful, and the English penetrated into the very heart of the city. The governor having retired into the citadel, the city was exposed for some hours to all the horrors of a general pillage. At length the Marquis de Villa Medina, the archbishop, and the officers of the garrison, surrendered themselves prisoners of war; offering, at the same time, a ransom, provided the city was saved from pillage.

The ransom offered, and accepted, was four millions of dollars, which was considered as equivalent to the value of the spoil that might have been procured if the pillage had proceeded. But the Spanish government refused to pay the bills which had thus been granted. And though Sir William Draper repeatedly urged the British government to interfere in behalf of himself and his fellow-soldiers, it was found expedient to drop the demand. Sir William is represented by Junius as having been rewarded by the honours and emoluments that were heaped on him. But the admiral and all the others who were concerned in the transaction were left without a recompense.—*Ed.*

tributed to his capacity as a general. It is you, Sir William, who make your friend appear awkward and ridiculous, by giving him a laced suit of tawdry qualifications, which nature never intended him to wear.

You say, he has acquired nothing but honour in the field. Is the ordnance nothing? Are the Blues nothing? Is the command of the army, with all the patronage annexed to it, nothing? Where he got all these *nothings* I know not; but you, at least, ought to have told us when he deserved them.

As to his bounty, compassion, &c. it would have been but little to the purpose, though you had proved all that you have asserted. I meddle with nothing but his character as commander in chief; and, though I acquit him of the baseness of selling commissions, I still assert, that his military cares have never extended beyond the disposal of vacancies; and I am justified by the complaints of the whole army, when I say, that, in this distribution, he consults nothing but parliamentary interests, or the gratification of his immediate dependants. As to his servile submission to the reigning ministry, let me ask, whether he did not desert the cause of the whole army, when he suffered Sir Jeffery Amherst to be sacrificed, and what share he had in recalling that officer to the service? Did he not betray the just interest of the army in permitting Lord Percy to have a regiment? And does he not, at this moment, give up all character and dignity as a gentleman, in receding from his own repeated declarations in favour of Mr Wilkes?

In the two next articles, I think, we are agreed. You candidly admit, that he often makes such promises as it is a virtue in him to violate, and that no man is more assiduous to provide for his relations at the public expense. I did not urge the last as an absolute vice in his disposition, but to prove that a *careless disinterested spirit* is no part of his

character : and as to the other, I desire it may be remembered, that I never descended to the indecency of inquiring into his *convivial hours*. It is you, Sir William Draper, who have taken pains to represent your friend in the character of a drunken landlord, who deals out his promises as liberally as his liquor, and will suffer no man to leave his table either sorrowful or sober. None but an intimate friend, who must frequently have seen him in these unhappy disgraceful moments, could have described him so well.

The last charge, of the neglect of the army, is indeed the most material of all. I am sorry to tell you, Sir William, that in this article your first fact is false : and as there is nothing more painful to me than to give a direct contradiction to a gentleman of your appearance, I could wish that, in your future publications, you would pay a greater attention to the truth of your premises, before you suffer your genius to hurry you to a conclusion. Lord Ligonier *did not* deliver the army (which you, in classical language, are pleased to call a *palladium*) into Lord Granby's hands. It was taken from him, much against his inclination, some two or three years before Lord Granby was commander in chief. As to the state of the army, I should be glad to know where you have received your intelligence. Was it in the rooms at Bath, or at your retreat at Clifton ? The reports of the reviewing generals comprehend only a few regiments in England, which, as they are immediately under the royal inspection, are perhaps in some tolerable order. But do you know any thing of the troops in the West Indies, the Mediterranean, and North America, to say nothing of a whole army absolutely ruined in Ireland ? Inquire a little into facts, Sir William, before you publish your next panegyric upon Lord Granby ; and, believe me, you will find there is a fault at head quarters, which even the

acknowledged care and abilities of the adjutant-general cannot correct.

Permit me now, Sir William, to address myself personally to you, by way of thanks for the honour of your correspondence. You are by no means undeserving of notice; and it may be of consequence, even to Lord Granby, to have it determined, whether or no the man, who has praised him so lavishly, be himself deserving of praise. When you returned to Europe, you zealously undertook the cause of that gallant army, by whose bravery at Manilla your own fortune had been established. You complained, you threatened, you even appealed to the public in print. By what accident did it happen, that, in the midst of all this bustle, and all these clamours for justice to your injured troops, the name of the Manilla ransom was suddenly buried in a profound, and, since that time, an uninterrupted silence? Did the ministry suggest any motives to you, strong enough to tempt a man of honour to desert and betray the cause of his fellow-soldiers? Was it that blushing ribbon which is now the perpetual ornament of your person? Or was it that regiment which you afterwards (a thing unprecedented among soldiers) sold to Colonel Gisborne? Or, was it that government, the full-pay of which you are contented to hold, with the half-pay of an Irish colonel? And do you now, after a retreat not very like that of Scipio, presume to intrude yourself, unthought of, uncalled for, upon the patience of the public? Are your flatteries of the commander in chief directed to another regiment, which you may again dispose of on the same honourable terms? We know your prudence, Sir William; and I should be sorry to stop your preferment.

JUNIUS.

LETTER IV.

To Junius.

SIR,

February 17, 1769.

I RECEIVED Junius's favour last night: he is determined to keep his advantage by the help of his mask: it is an excellent protection: it has saved many a man from an untimely end. But whenever he will be honest enough to lay it aside, avow himself, and produce the face which has so long lurked behind it, the world will be able to judge of his motives for writing such infamous invectives. His real name will discover his freedom and independency, or his servility to a faction. Disappointed ambition, resentment for defeated hopes, and desire of revenge, assume but too often the appearance of public spirit: but, be his designs wicked or charitable, Junius should learn, that it is possible to condemn measures without a barbarous and criminal outrage against men. Junius delights to mangle carcasses with a hatchet: his language and instrument have a great connexion with Clare-market; and, to do him justice, he handles his weapon most admirably. One would imagine he had been taught to throw it by the savages of America. It is, therefore, high time for me to step in once more to shield my friend from this merciless weapon, although I may be wounded in the attempt. But I must first ask Junius, by what forced analogy and construction the moments of convivial mirth are made to signify indecency, a violation of engagements, a drunken landlord, and a desire that every one in company should be drunk likewise? He must have culled all the flowers of St Giles's and Billingsgate to

have produced such a piece of oratory. Here the hatchet descends with tenfold vengeance: but, alas! it hurts no one but its master! For Junius must not think to put words into my mouth, that seem too foul even for his own.

My friend's political engagements I know not; so cannot pretend to explain them, or assert their consistency. I know not whether Junius be considerable enough to belong to any party. If he should be so, can he affirm, that he has always adhered to one set of men and measures? Is he sure that he has never sided with those whom he was first hired to abuse? Has he never abused those he was hired to praise? To say the truth, most men's politics sit much too loosely about them. But, as my friend's military character was the chief object that engaged me in this controversy, to that I shall return.*

* The following short account of the Marquis of Granby may perhaps be satisfactory to those who take an interest in the particulars of this dispute. His lordship was the eldest son of the Duke of Rutland. The marquis, whose Christian name was John Manners, was born January 2, 1720-21. He was elected member for Grantham in three parliaments; and in the parliaments which met in 1754, 1761, and 1768, he held his seat as member for Cambridgeshire. In the rebellion of 1745, his lordship raised a regiment of foot for his majesty's service; and in the year 1755, he was promoted to the rank of major general of his majesty's forces. In 1758, he was appointed colonel of the royal regiment of horse guards; and in 1759, he was promoted to the rank of lieutenant general. During the same year he was constituted commander in chief of all his majesty's forces then serving in Germany in his majesty's army under Prince Ferdinand of Brunswick: in which service, says the writer of a short account of the marquis, inserted in the public papers after his death, he not only shared the fatigues and dangers of the troops under his command, but, when the British forces were in very indifferent quarters (not owing to any defect in his conduct), he procured provisions and necessaries for the private soldiers at his own expense, his table being at the same time open to the officers. In 1759, he was appointed lieutenant general of the ordnance: and Prince Ferdinand being elected a knight of

Junius asks, what instances my friend has given of his military skill and capacity as a general? When and where he gained his honour? When he deserved his emoluments? The united voice of the army which served under him, the glorious testimony of Prince Ferdinand, and of vanquished enemies, all Germany will tell him.* Junius re-

the garter, his lordship was nominated first plenipotentiary for investing his serene highness with the insignia of the order. His lordship was named a privy counsellor, May 2, 1760; and, resigning the office of lieutenant general of the ordnance, he was constituted, May 14, 1763, master general of that department. In 1764 he was declared lord lieutenant and *custos rotulorum* of Derbyshire. His lordship married Lady Frances Seymour, eldest daughter of Charles Duke of Somerset, and by her he had several children.—*Ed.*

* The following extracts from a letter in defence of Lord Granby, which appeared in the Public Advertiser, seem to deserve to be inserted in this place. From the passages printed in italics, the reader will perceive that the writer of the letter considered Lord George Germaine, who was accused of having *disobeyed orders, of having disputed the commands of his superior officer, and of having feared to lead on the cavalry at Minden*, to be the author of the Letters of Junius.

“Junius is possessed of superior abilities: he has a flow of fine language at his command, his composition is masterly, his style elegant, and the arrangement of his words is beautiful and harmonious. What excellent purposes might these talents serve, were they employed for the service of his country! What a pity they should be employed to depreciate government, and made subservient to such unphilosophic passions!—unworthy of the man—unworthy of the pen of the accomplished Junius! Not one of the king’s servants escapes him; but (for what cause Heaven knows) his most pointed shafts have been directed against the commander in chief, who is, perhaps, the most unexceptionable character in the present administration.”——

——“My Lord Granby’s character, as a man, as a soldier, and even as a general, will stand the test. The honesty of his heart, the integrity of his intentions, his intrepidity as a soldier, and his conduct as an officer, are unimpeached. It is true, his talents as commander in chief have never been tried in the field; but if we may be allowed to judge from the whole of his conduct during the late war in Germany, where the execution of many important enterprises was intrusted to him by one of the greatest generals and one of the best judges of military merit in Europe, we may form

peats the complaints of the army against parliamentary influence. I love the army too well not

great expectations, with the highest probability of not being disappointed. *He knows how to obey*: he knows that a good soldier *never disputes the commands of his superior*. He always discharged his duty to the satisfaction of Duke Ferdinand, whose approbation, thanks, and acknowledgments, he repeatedly obtained. Wherever he was employed, he gained honour to himself: he was beloved and esteemed by the army under his command: he was honoured and respected by the enemy—dear to the victors—generous to the vanquished. You know, Junius, that he *feared not to lead on the cavalry at Minden*. He gained glory and honour at Warburg. It was the corps under his command that fought and gained the battle at Phillinghausen. He was principally concerned, and acted as became the soldier and general, at Wilhelmstadt. And towards the end of the war, when the army was so situated, that if a rising ground on the left had been taken possession of by the French, it might have been attended with the worst consequences—and when the generals destined to lead a corps to occupy it declared the service impracticable—my Lord Granby arose from a sick-bed in the middle of the night, assumed the command of the corps, marched, with a fever upon him, in an inclement season, took possession of the post, and secured the army.

“Is it necessary to ask, where my lord deserved every thing he has got, after this? These are but few instances, among many others, where his lordship acquired unfading laurels. But, after all, what are the posts, what are the employments of trust and profit, which he has centered in himself and family, since he became commander in chief? He is at the head of the army, without pay; one of the name of Manners has been promoted from half-pay to a troop, and another he has appointed his aid-de-camp; and those of his friends who have been distinguished by royal favours are so eminent in their profession, that hitherto the tongue of malice has not dared to move against them.”

“My Lord Granby’s generosity knows no bounds; but it is directed to much nobler objects than you would endeavour to insinuate. Often have I seen his generous hand stretched out to supply the wants of the needy soldier; nor did the meanest follower of the camp go hungry from his door. His house was open equally to British and foreigners; his table was hospitality itself, and his generous open countenance gave a hearty welcome to all his guests. Hence harmony reigned through the whole army, disputes had no existence, and officers of different nations emulated the social virtues of the British chief. By such means he gained the hearts of all the army; they followed him with confidence, and fought under him from attachment. What-

to wish that such influence were less. Let Junius point out the time when it has not prevailed. It was of the least force in the time of that great man, the late Duke of Cumberland, who, as a prince of the blood, was able, as well as willing, to stem a torrent which would have overborne any private subject. In time of war, this influence is small. In peace, when discontent and faction have the surest means to operate, especially in this country, and when, from a scarcity of public spirit, the wheels of government are rarely moved but by the power and force of obligations, its weight is always too great. Yet, if this influence, at present, has done no greater harm than the placing Earl Percy at the head of a regiment, I do not think that either the rights or best interests of the army are sacrificed and betrayed, or the nation undone. Let me ask Junius, if he knows any one nobleman in the army who has had a regiment by seniority? I feel myself happy in seeing young noblemen of illustrious name and great property come among us. They are an additional security to the kingdom from foreign or domestic slavery. Junius needs not be told, that, should the time ever come when this nation is to be defended only by those who have nothing more to lose than their arms and their pay, its danger will be great indeed. A happy mixture of men of quality with soldiers of fortune is always to be wished for. But the main point is still to be contended for; I mean the discipline and condition of the army; and I must still maintain, though contradicted by Junius, that it was never upon a more respectable footing, as to all the essentials that can form good soldiers, than it is at

ever Junius may think (though he may, for aught I know, be *perfectly unacquainted* with it himself), the gaining the affections of the soldiers will always be esteemed no mean qualification in a general."—*Ed.*

present. Junius is forced to allow, that our army at home may be in some tolerable order ; yet, how kindly does he invite our late enemies to the invasion of Ireland, by assuring them that the army in that kingdom is totally ruined ! (The colonels of that army are much obliged to him.) I have too great an opinion of the military talents of the lord-lieutenant, and of all their diligence and capacity, to believe it. If, from some strange unaccountable fatality, the people of that kingdom cannot be induced to consult their own security, by such an effectual augmentation as may enable the troops there to act with power and energy, is the commander-in-chief here to blame ? Or is he to blame, because the troops in the Mediterranean, in the West Indies, in America, labour under great difficulties from the scarcity of men, which is but too visible all over these kingdoms ? Many of our forces are in climates unfavourable to British constitutions ; their loss is in proportion. Britain must recruit all these regiments from her own emaciated bosom ; or, more precariously, by catholics from Ireland. We are likewise subject to the fatal drains to the East Indies, to Senegal, and the alarming emigrations of our people to other countries. Such depopulation can only be repaired by a long peace, or by some sensible bill of naturalization.

I must now take the liberty of addressing Junius on my own account. He is pleased to tell me that he addresses himself to me *personally* : I shall be glad to see him. It is his *impersonality* that I complain of, and his invisible attacks : for his dagger in the air is only to be regarded, because one cannot see the hand which holds it ; but, had it not wounded other people more deeply than myself, I should not have obtruded myself at all on the patience of the public.

Mark how a plain tale shall put him down, and

transfuse the blush of my ribbon into his own cheeks. Junius tells me, that, at my return, I zealously undertook the cause of the gallant army, by whose bravery at Manilla my own fortunes were established ; that I complained, that I even appealed to the public. I did so ; I glory in having done so, as I had an undoubted right to vindicate my own character, attacked by a Spanish memorial, and to assert the rights of my brave companions. I glory, likewise, that I have never taken up my pen but to vindicate the injured. Junius asks, by what accident did it happen, that, in the midst of all this bustle, and all the clamours for justice to the injured troops, the Manilla ransom was suddenly buried in a profound, and, since that time, an uninterrupted silence ? I will explain the cause to the public. The several ministers who have been employed since that time have been very desirous to do justice, from two most laudable motives, a strong inclination to assist injured bravery, and to acquire a well-deserved popularity to themselves. Their efforts have been in vain. Some were ingenuous enough to own, that they could not think of involving this distressed nation in another war for our private concerns. In short, our rights, for the present, are sacrificed to national convenience ; and I must confess, that although I may lose five-and-twenty thousand pounds by their acquiescence to this breach of faith in the Spaniards, I think they are in the right to temporize, considering the critical situation of this country, convulsed in every part, by poison infused by anonymous, wicked, and incendiary writers. Lord Shelburne will do me the justice to own, that, in September last, I waited upon him with a joint memorial from the admiral, Sir S. Cornish, and myself, in behalf of our injured companions. His lordship was as frank upon the occasion as other

secretaries had been before him. He did not deceive us, by giving any immediate hopes of relief.

Junius would basely insinuate, that my silence may have been purchased by my government, by my *blushing* ribbon, by my regiment, by the sale of that regiment, and by half-pay as an Irish colonel.

His majesty was pleased to give me my government for my service at Madras. I had my first regiment in 1757. Upon my return from Manilla, his majesty, by Lord Egremont, informed me, that I should have the first vacant red ribbon, as a reward for my services in an enterprise which I had planned as well as executed. The Duke of Bedford and Mr Grenville confirmed those assurances, many months before the Spaniards had protested the ransom bills. To accommodate Lord Clive, then going upon a most important service to Bengal, I waived my claim to the vacancy which then happened. As there was no other vacancy until the Duke of Grafton and Lord Rockingham were joint ministers, I was then honoured with the order; and it is surely no small honour to me, that, in such a succession of ministers, they were all pleased to think that I had deserved it; in my favour they were all united. Upon the reduction of the 79th regiment, which had served so gloriously in the East Indies, his majesty, unsolicited by me, gave me the 16th of foot as an equivalent. My motives for retiring, afterwards, are foreign to the purpose: let it suffice, that his majesty was pleased to approve of them: they are such as no man can think indecent, who knows the shocks that repeated vicissitudes of heat and cold, of dangerous and sickly climates, will give to the best constitutions, in a pretty long course of service. I resigned my regiment to Colonel Gisborne, a very good officer, for his half-pay, and £200 Irish an-

nuity;* so that, according to Junius, I have been bribed to say nothing more of the Manilla ransom, and to sacrifice those brave men, by the strange avarice of accepting £380 per annum, and giving up £800! If this be bribery, it is not the bribery of these times. As to my flattery, those who know me will judge of it. By the asperity of Junius's style, I cannot, indeed, call him a flatterer, unless it be as a cynic or a mastiff: if he wags his tail, he will still growl, and long to bite. The public will now judge of the credit that ought to be given to Junius's writings, from the falsities that he has insinuated with respect to myself.

WILLIAM DRAPER.

LETTER V.

To Sir William Draper, Knight of the Bath.

SIR,

February 21, 1769.

I SHOULD justly be suspected of acting upon motives of more than common enmity to Lord Gran-

* This sentence, as it originally appeared, stood erroneously thus:—"I resigned my regiment to Colonel Gisborne, a very good officer, for his half-pay, 1200 pounds Irish annuity." In consequence of which mistake, Sir William sent the following correction to the printer:—

"SIR,

"I beg the favour of you to correct the following error in my answer to Junius:

"Instead of £1200, please to put, 'and £200 Irish annuity.' I am, sir, yours, &c.

"W. DRAPER."

The mistake which is thus corrected is alluded to by Junius in the following letter.—*Ed.*

by, if I continued to give you fresh materials or occasion for writing in his defence. Individuals who hate, and the public who despise him, have read *your* letters, Sir William, with infinitely more satisfaction than mine. Unfortunately for him, his reputation, like that unhappy country to which you refer me for his last military achievements, has suffered more by his friends than his enemies. In mercy to him, let us drop the subject. For my own part, I willingly leave it to the public to determine, whether your vindication of your friend has been as able and judicious as it was certainly well intended : and you, I think, may be satisfied with the warm acknowledgments he already owes you, for making him the principal figure in a piece, in which, but for your amicable assistance, he might have passed without particular notice or distinction.

In justice to your friends, let your future labours be confined to the care of your own reputation. Your declaration, that you are happy in seeing young noblemen *come among us*, is liable to two objections. With respect to Lord Percy, it means nothing ; for he was already in the army. He was aide-de-camp to the king, and had the rank of colonel. A regiment, therefore, could not make him a more military man, though it made him richer ; and probably at the expense of some brave, deserving, friendless officer. The other concerns yourself. After selling the companions of your victory in one instance, and after selling your profession in the other, by what authority do you presume to call yourself a soldier ? The plain evidence of facts is superior to all declarations. Before you were appointed to the 16th regiment, your complaints were a distress to government : from that moment you were silent. The conclusion is inevitable. You insinuate to us, that your ill state of health obliged you to quit the service. The retire-

ment necessary to repair a broken constitution, would have been as good a reason for not accepting, as for resigning, the command of a regiment. There is certainly an error of the press, or an affected obscurity, in that paragraph where you speak of your bargain with Colonel Gisborne.* Instead of attempting to answer what I do not really understand, permit me to explain to the public what I really know. In exchange for your regiment, you accepted of a colonel's half-pay (at least £220 a-year), and an annuity of £200 for your own and Lady Draper's life jointly. And is this the losing bargain, which you would represent to us, as if you had given up an income of £800 a-year for £380? Was it decent, was it honourable, in a man who pretends to love the army, and calls himself a soldier, to make a traffic of the royal favour, and turn the highest honour of an active profession into a sordid provision for himself and his family? It were unworthy of me to press you farther. The contempt with which the whole army heard of the manner of your retreat, assures me, that, as your conduct was not justified by precedent, it will never be thought an example for imitation.

The last and most important question remains. When you receive your half-pay, do you or do you not take a solemn oath, or sign a declaration, upon your honour, to the following effect,—*That you do not actually hold any place of profit, civil or military, under his majesty?* The charge, which the question plainly conveys against you, is of so shocking a complexion, that I sincerely wish you may be able to answer it well; not merely for the colour of your reputation, but for your own inward peace of mind.

JUNIUS.

* Vide the preceding note.—Ed.

LETTER VI.

To Junius.

SIR,

February 27, 1769.

I HAVE a very short answer for Junius's important question. I do not either take an oath, or declare upon my honour, that I hold no place of profit, civil or military, when I receive the half-pay as an Irish colonel. My most gracious sovereign gives it me as a pension: he was pleased to think I deserved it. The annuity of £200 Irish, and the equivalent for the half-pay, together produce no more than £380 per annum, clear of fees and perquisites of office. I receive £167 from my government at Yarmouth, total £547 per annum. My conscience is much at ease in these particulars; my friends need not blush for me.

Junius makes much and frequent use of interrogations: they are arms that may be easily turned against himself. I could, by malicious interrogation, disturb the peace of the most virtuous man in the kingdom. I could take the decalogue, and say to one man, Did you never steal? To the next, Did you never commit murder? And to Junius himself, who is putting my life and conduct to the rack, Did you never "bear false witness against thy neighbour?" Junius must easily see, that, unless he affirms the contrary, in his real name, some people, who may be as ignorant of him as I am, will be apt to suspect him of having deviated a little from the truth; therefore let Junius ask no more questions. You bite against a file: Cease, viper!

W. D

LETTER VII.

To Sir William Draper, Knight of the Bath.

SIR,

March 3, 1769.

AN academical education has given you an unlimited command over the most beautiful figures of speech. Masks, hatchets, racks, and vipers, dance through your letters in all the mazes of metaphorical confusion. These are the gloomy companions of a disturbed imagination; the melancholy madness of poetry without the inspiration. I will not contend with you in point of composition; you are a scholar, Sir William; and, if I am truly informed, you write Latin with almost as much purity as English. Suffer me then (for I am a plain unlettered man) to continue that style of interrogation which suits my capacity, and to which, considering the readiness of your answers, you ought to have no objection. Even Mr Bingley* promises to answer, if put to the torture.†

Do you then really think, that, if I were to ask a *most virtuous man*, whether he ever committed

* This man, being committed by the court of King's Bench for a contempt, voluntarily made oath, that he would never answer interrogatories, unless he should be put to the torture.

† Bingley was a bookseller, and had been summoned as a witness for government in a case between the crown and Wilkes. But Bingley declared nothing but torture should extract a word from him. And he kept his vow; for having maintained an obstinate silence during two years' imprisonment, he was at length discharged as invincibly obstinate. But his press became more thriving during his imprisonment, and, like many patriots since that time, he courted the distinction of ministerial vengeance, that he might improve his income.—*Ed.*

theft or murder, it would disturb his peace of mind? Such a question might, perhaps, discompose the gravity of his muscles, but I believe it would little affect the tranquillity of his conscience. Examine your own breast, Sir William, and you will discover, that reproaches and inquiries have no power to afflict either the man of unblemished integrity, or the abandoned profligate. It is the middle compound character which alone is vulnerable: the man who, without firmness enough to avoid a dishonourable action, has feeling enough to be ashamed of it.

I thank you for the hint of the decalogue, and shall take an opportunity of applying it to some of your most virtuous friends in both houses of parliament.

You seem to have dropped the affair of your regiment; so let it rest. When you are appointed to another, I dare say you will not sell it either for a gross sum, or for an annuity upon lives.

I am truly glad (for really, Sir William, I am not your enemy, nor did I begin this contest with you) that you have been able to clear yourself of a crime, though at the expense of the highest indiscretion. You say that your half-pay was given you by way of pension. I will not dwell upon the singularity of uniting in your own person two sorts of provision, which in their own nature, and in all military and parliamentary views, are incompatible; but I call upon you to justify that declaration, wherein you charge your sovereign with having done an act in your favour notoriously against law. The half-pay, both in Ireland and England, is appropriated by parliament; and if it be given to persons who, like you, are legally incapable of holding it, it is a breach of law. It would have been more decent in you to have called this dishonourable transaction by its true name; a *job*, to accommodate two persons, by particular interest and ma-

nagement at the castle.—What sense must government have had of your services, when the rewards they have given you are only a disgrace to you!

And now, Sir William, I shall take my leave of you for ever. Motives very different from any apprehension of your resentment, make it impossible you should ever know me. In truth you have some reason to hold yourself indebted to me. From the lessons I have given you, you may collect a profitable instruction for your future life. They will either teach you so to regulate your future conduct, as to be able to set the most malicious inquiries at defiance; or, if that be a lost hope, they will teach you prudence enough not to attract the public attention to a character, which will only pass without censure when it passes without observation.* †

JUNIUS.

* It has been said, I believe truly, that it was signified to Sir William Draper, as the request of Lord Granby, that he should desist from writing in his lordship's defence. Sir William Draper certainly drew *Junius* forward to say more of Lord Granby's character than he originally intended. He was reduced to the dilemma of either being totally silenced, or of supporting his first letter. Whether Sir William had a right to reduce him to this dilemma, or to call upon him for his name, after a voluntary attack on *his* side, are questions submitted to the candour of the public. The death of Lord Granby was lamented by *Junius*. He undoubtedly owed some compensations to the public, and seemed determined to acquit himself of them. In private life, he was unquestionably that good man, who, for the interest of his country, ought to have been a great one. *Bonum virum facile dixeris; magnum libenter.* I speak of him now without partiality; I never spoke of him with resentment. His mistakes, in public conduct, did not arise either from want of sentiment, or want of judgment, but, in general, from the difficulty of saying *no* to the bad people who surrounded him.

As for the rest, the friends of Lord Granby should remember, that he himself thought proper to condemn, retract, and disavow, by a most solemn declaration, in the House of Commons, that very system of political conduct which *Junius* had held forth to the disapprobation of the public.

† The following sentence, from a letter afterwards sent

LETTER VIII.

—

*To the Duke of Grafton.**

MY LORD,

March 18, 1769.

BEFORE you were placed at the head of affairs, it had been a maxim of the English government, not

by Sir William Draper to the Public Advertiser, ought to be quoted in his honour. Speaking of the Manilla ransom, he says, "The Spaniards knew that I refused the sum of fifty thousand pounds, offered me by the archbishop, to mitigate the terms of the ransom, and to reduce it to half a million instead of a *whole* one: so that, had I been disposed to have basely sold the partners of my victory, avarice herself could not have wished for a richer opportunity."—*Ed.*

* The first Duke of Grafton was a natural son of Charles the Second. Amidst the great changes of every kind which accompanied the progress of the Revolution, it was not the least remarkable, that many individuals, who might have been supposed, not only from their family prejudices, but from their descent, to have been under a prepossession in favour of the ancient system, actually became most devoted partizans of the new order. Among those who thus deserted the cause of the Stuarts was the first Duke of Grafton; and his descendants had from that time been ranked among the great Whig families.

The duke, against whom Junius directed so many of his most bitter attacks, was early introduced into public life under the auspices of Lord Chatham. He was considered to be a young nobleman of high promise, both from his talents, his rank, and the systematical training for politics which he had undergone; and so completely was he supposed to be devoted to the principles and person of Lord Chatham, that he was generally said to have declared, at his first entrance into public life, that without Lord Chatham he considered no ministry of that period as capable of going on, but that under him he was willing to serve in the most subordinate capacity—to carry, according to his own expression, a spade or a mattock. Amidst the difficulties of forming an administration at that time, however, when Lord Chatham had begun to display that obstinate and untractable behaviour which threw so many difficulties in the

unwillingly admitted by the people, that every ungracious or severe exertion of the prerogative should

way of an amicable arrangement—after the Duke of Cumberland had in vain applied to Lord Temple, Mr Pitt, and Lord Lyttleton—the Duke of Grafton was prevailed on to join the administration of Lord Rockingham, to which Mr Pitt had refused to accede; and by this step his grace was supposed to have broken all good faith with his early patron, and to have relinquished the vow of attachment to him, which he had publicly made. Lord Chatham himself, however, did not exactly view matters in this light; for when the Rockingham ministry was broken up, and Lord Chatham consented to form an administration for himself, he nominated the Duke of Grafton first lord of the treasury. It is well known that Lord Chatham did not long continue to take an active part in the direction of this administration—disgust and bad health united in inducing him to retire to the country; and the Duke of Grafton was thus, by the course of events, left at the head of the government, of which he had previously been but a subordinate member. But all this afforded an opportunity to Junius of representing the duke as a person void of all faith and honour—as a man who was ready to ally himself with any party, which held out to him the prospect of political power; and whose tergiversation and facility thus presented the chief obstacle to the adoption of such measures as would have forced the king to do whatever Lord Chatham and his friends might desire. It was during this administration of the duke that Junius began to be known under that name; and it was on the facts now stated, along with some others in the more private history of his grace, that this writer founded that system of unrelenting hostility with which for a long time he continued to pursue his grace, and which, if we may credit the account of Sir N. Wraxall, often produced such an effect on the duke, as not only to render him for whole days incapable of business, but finally to drive him from the conduct of affairs.

The fact upon which Junius has founded his first attack upon the duke is as follows:—During the riots which took place respecting the Middlesex election, the popular and the court party were each supposed to have their hired committees and mobs. In a scuffle between two of these, a man of the name of Clarke had received a wound, which was supposed to have occasioned his death, and a chairman called M'Quirk, who was the leader of the opposite mob, was accordingly imprisoned, tried, and condemned to die for this murder. It occurred to many people, however, that the evidence which had procured this condemnation was merely that of one person who had not seen the deceased till after his death: and it was also the opinion of many gentlemen

be placed to the account of the minister ; but, that whenever an act of grace or benevolence was to be

eminent in surgery, that the symptoms, as described by the witness, were at least doubtful, and by no means such as to warrant the positive declaration he had made, " That the blow which the deceased had received was the cause of his death." Accordingly, a letter from Lord Rochford, one of his majesty's principal secretaries of state, was directed to the master, wardens, and examiners of the surgeons' company, desiring their opinion in relation to the doubt already mentioned. Those gentlemen, ten in number, met at their hall ; and after re-examining the witness who gave evidence, and also interrogating the surgeon and apothecary who attended the deceased in his last illness, they returned an answer to his lordship, giving it as their unanimous opinion, " That the blow was not the cause of Mr Clarke's death." The following proclamation was accordingly issued :—*Ed.*

Whitehall, March 11, 1769.—His majesty has been graciously pleased to extend his royal mercy to Edward M'Quirk, found guilty of the murder of George Clarke, as appears by his royal warrant, to the tenour following :—

GEORGE R.

Whereas a doubt has arisen in our royal breast concerning the evidence of the death of George Clarke, from the representations of William Broomfield, Esq. surgeon, and Solomon Starling, apothecary ; both of whom, as has been represented to us, attended the deceased before his death, and expressed their opinions, that he did not die of the blow he received at Brentford : and whereas it appears to us, that neither of the said persons were produced as witnesses upon the trial, though the said Solomon Starling had been examined before the coroner ; and the only person called to prove that the death of the said George Clarke was occasioned by the said blow, was John Foot, surgeon, who never saw the deceased till after his death : we thought thereupon to refer the said representations, together with the report of the recorder of our city of London, of the evidence given by Richard and William Beale and the said John Foot, on the trial of Edward Quirk, otherwise called Edward Kirk, otherwise called Edward M'Quirk, for the murder of the said Clarke, to the master, wardens, and the rest of the court of examiners of the surgeons' company, commanding them likewise to take such farther examination of the said persons, so representing, and of said John Foot, as they might think necessary, together with the premises above-mentioned, to form and report to us their opinion, " Whether it did or did not appear to them, that the said George Clarke died in consequence of the blow he received in the riot at Brent-

performed, the whole merit of it should be attributed to the sovereign himself.* It was a wise doctrine, my lord, and equally advantageous to the king and his subjects; for while it preserved that suspicious attention with which the people ought always to examine the conduct of ministers, it tended, at the same time, rather to increase than diminish their attachment to the person of their sovereign. If there be not a fatality attending every measure you are concerned in, by what treachery, or by what excess of folly, has it happened, that those ungracious acts which have distinguished your administration, and which, I doubt not, were entirely your own, should carry with them a strong appearance of personal interest, and even of personal enmity, in a quarter where no such interest or enmity can be supposed to exist, without the highest injustice and the highest dishonour? On the other

ford, on the 8th of December last." And the said court of examiners of the surgeons' company having thereupon reported to us their opinion,—“ That it did not appear to them that he did,” we have thought proper to extend our royal mercy to him the said Edward Quirk, otherwise Edward Kirk, otherwise called Edward M'Quirk, and to grant him our free pardon for the murder of the said George Clarke, of which he has been found guilty. Our will and pleasure, therefore, is, That he the said Edward Quirk, otherwise called Edward Kirk, otherwise Edward M'Quirk, be inserted, for the said murder, in our first and next general pardon that shall come out for the poor convicts of Newgate, without any condition whatsoever; and that, in the meantime, you take bail for his appearance, in order to plead our said pardon. And for so doing this shall be your warrant.

Given at our court of St James's, the tenth day of March, 1769, in the ninth year of our reign.

By his majesty's command, ROCHFORD.

To our trusty and well-beloved James Eyre, Esq. recorder of our city of London, the sheriffs of our said city and county of Middlesex, and all others whom it may concern.

* Les rois ne se sont réservés que les grâces. Ils renvoient les condamnations vers leurs officiers.—*Montesquieu*.

hand, by what judicious management have you contrived it, that the only act of mercy to which you ever advised your sovereign, far from adding to the lustre of a character truly gracious and benevolent, should be received with universal disapprobation and disgust? I shall consider it as a ministerial measure, because it is an odious one; and as your measure, my lord duke, because you are the minister.

As long as the trial of this chairman was depending, it was natural enough that government should give him every possible encouragement and support. The honourable service for which he was hired, and the spirit with which he performed it, made common cause between your grace and him. The minister, who, by secret corruption, invades the freedom of elections, and the ruffian, who, by open violence, destroys that freedom, are embarked in the same bottom; they have the same interests, and mutually feel for each other. To do justice to your grace's humanity, you felt for M'Quirk as you ought to do; and if you had been contented to assist him indirectly, without a notorious denial of justice, or openly insulting the sense of the nation, you might have satisfied every duty of political friendship, without committing the honour of your sovereign, or hazarding the reputation of his government. But when this unhappy man had been solemnly tried, convicted, and condemned; when it appeared that he had been frequently employed in the same services, and that no excuse for him could be drawn either from the innocence of his former life, or the simplicity of his character; was it not hazarding too much, to interpose the strength of the prerogative between this felon and the justice of his country? You ought to have known that an example of this sort was never so necessary as at present; and certainly you must have known, that the lot could not have fallen upon a more

guilty object. What system of government is this? You are perpetually complaining of the riotous disposition of the lower class of people; yet, when the laws have given you the means of making an example, in every sense unexceptionable, and by far the most likely to awe the multitude, you pardon the offence, and are not ashamed to give the sanction of government to the riots you complain of, and even to future murders. You are partial, perhaps, to the military mode of execution; and had rather see a score of these wretches butchered by the guards, than one of them suffer death by regular course of law. How does it happen, my lord, that, in *your* hands, even the mercy of the prerogative is cruelty and oppression to the subject?

The measure, it seems, was so extraordinary, that you thought it necessary to give some reasons for it to the public. Let them be fairly examined.

1. You say, that *Messrs Broomfield and Starling were not examined at M'Quirk's trial*. I will tell your grace why they were not. They must have been examined upon oath; and it was foreseen, that their evidence would either not benefit, or might be prejudicial, to the prisoner; otherwise, is it conceivable that his counsel should neglect to call in such material evidence?

2. You say, that *Mr Foot did not see the deceased until after his death*. A surgeon, my lord, must know very little of his profession, if, upon examining a wound or a contusion, he cannot determine whether it was mortal or not. While the party is alive, a surgeon will be cautious of pronouncing; whereas, by the death of the patient, he is enabled to consider both cause and effect in one view, and to speak with a certainty confirmed by experience.

3. Yet we are to thank your grace for the establishment of a new tribunal. *Your inquisitio post mortem* is unknown to the laws of England, and does honour to your invention. The only material

objection to it is, that if Mr Foot's evidence was insufficient, because he did not examine the wound till after the death of the party, much less can a negative opinion, given by gentlemen who never saw the body of Mr Clarke either before or after his decease, authorise you to supersede the verdict of a jury and the sentence of the law.

Now, my lord, let me ask you, Has it never occurred to your grace, while you were withdrawing this desperate wretch from that justice which the laws had awarded, and which the whole people of England demanded against him, that there is another man,* who is the favourite of his country, whose pardon would have been accepted with gratitude, whose pardon would have healed all our divisions? Have you quite forgotten that this man was once your grace's friend? Or, is it to murderers only that you will extend the mercy of the crown?

These are questions you will not answer, nor is it necessary. The character of your private life, and the uniform tenor of your public conduct, is an answer to them all.

JUNIUS.

LETTER IX.

To his Grace the Duke of Grafton.

MY LORD,

April 10, 1769.

I HAVE so good an opinion of your grace's discernment, that when the author of the vindication of

* Mr Wilkes.—*Ed.*

your conduct* assures us that he writes from his own mere motion, without the least authority from your grace, I should be ready enough to believe him, but for one fatal mark, which seems to be fixed upon every measure in which either your personal or political character is concerned. Your first attempt to support Sir William Proctor ended in the election of Mr Wilkes; the second insured success to Mr Glynn. The extraordinary step you took to make Sir James Lowther lord paramount of Cumberland, has ruined his interest in that county for ever.† The house list of directors was cursed with the concurrence of government;‡ and even the miserable Dingley§ could not escape the misfortune of your grace's protection. With this uniform experience before us, we are authorised to suspect, that, when a pretended vindication of your principles and conduct, in reality, contains the bitterest reflections upon both, it could not have been written without your immediate direction and assistance. The author, indeed, calls God to witness for him, with all the sincerity, and in the very terms of an Irish evidence, *to the best of his knowledge and belief*. My lord, you should not encourage these appeals to Heaven. The pious prince, from whom you are supposed to descend,|| made

* It is evident that our author here alludes to a vindication of the duke's conduct in the affair of M'Quirk, which had been recently published.—*Ed.*

† The allusion here is to the great contest between the Duke of Portland and Sir James Lowther, for a grant of crown lands in Cumberland.—*Ed.*

‡ Ten gentlemen, whose names were not in the list of directors presented by government, were chosen.—*Ed.*

§ This unfortunate person had been persuaded by the Duke of Grafton to set up for Middlesex, his grace being determined to seat him in the House of Commons, if he had but a single vote. It happened, unluckily, that he could not prevail upon any one freholder to put him in nomination.

|| Charles the First.—*Ed.*

such frequent use of them in his public declarations, that, at last, the people also found it necessary to appeal to Heaven in their turn. Your administration has driven us into circumstances of equal distress: beware, at least, how you remind us of the remedy.

You have already much to answer for. You have provoked this unhappy gentleman* to play the fool once more in public life, in spite of his years and infirmities; and to show us, that, as you yourself are a singular instance of youth without spirit, the man who defends you is a no less remarkable example of age without the benefit of experience. To follow such a writer minutely, would, like his own periods, be labour without end. The subject too has been already discussed, and is sufficiently understood. I cannot help observing, however, that when the pardon of M'Quirk was the principal charge against you, it would have been but a decent compliment to your grace's understanding, to have defended you upon your own principles. What credit does a man deserve, who tells us plainly, that the facts set forth in the king's proclamation were not the true motives on which the pardon was granted? and that he wishes that those chirurgical reports, which first gave occasion to certain doubts in the royal breast, had not been laid before his majesty? You see, my lord, that even your friends cannot defend your actions, without changing your principles; nor justify a deliberate measure of government, without contradicting the main assertion on which it was founded.

The conviction of M'Quirk had reduced you to a dilemma in which it was hardly possible for you

* Junius supposed that the Vindication of the Duke of Grafton was written by a Mr Weston, writer of the Gazette.
Ed.

to reconcile your political interest with your duty. You were obliged either to abandon an active, useful partizan, or to protect a felon from public justice. With your usual spirit, you preferred your interest to every other consideration; and, with your usual judgment, you founded your determination upon the only motives which should not have been given to the public.

I have frequently censured Mr Wilkes's conduct, yet your advocate reproaches me with having devoted myself to the service of sedition. Your grace can best inform us, for which of Mr Wilkes's good qualities you first honoured him with your friendship; or how long it was before you discovered those bad ones in him, at which, it seems, your delicacy was offended. Remember, my lord, that you continued your connexion with Mr Wilkes, long after he had been convicted of those crimes which you have since taken pains to represent in the blackest colours of blasphemy and treason. How unlucky it is, that the first instance you have given us of a scrupulous regard to decorum, is united with the breach of a moral obligation! For my own part, my lord, I am proud to affirm, that if I had been weak enough to form such a friendship, I would never have been base enough to betray it. But let Mr Wilkes's character be what it may, this, at least, is certain, that, circumstanced as he is with regard to the public, even his vices plead for him. The people of England have too much discernment to suffer your grace to take advantage of the failings of a private character, to establish a precedent by which the public liberty is affected, and which you may hereafter, with equal ease and satisfaction, employ to the ruin of the best men in the kingdom. Content yourself, my lord, with the many advantages which the unsullied purity of your own character has given you over your unhappy, deserted friend. Avail yourself of all the unforgiving piety

of the court you live in, and bless God that "you are not as other men are; extortioners, unjust, adulterers, or even as this publican." In a heart void of feeling, the laws of honour and good faith may be violated with impunity, and there you may safely indulge your genius. But the laws of England shall not be violated, even by your holy zeal to oppress a sinner; and, though you have succeeded in making him the tool, you shall not make him the victim of your ambition.

JUNIUS.

LETTER X.

To Mr Edward Weston.

SIR,

April 21, 1769.

I SAID you were an old man without the benefit of experience. It seems you are also a volunteer,* with the stipend of twenty commissions; and at a period when all prospects are at an end, you are still looking forward to rewards which you cannot enjoy. No man is better acquainted with the bounty of government than you are;

Ton impudence,
Temeraire vieillard, aura sa recompence.

* The writer of the "Vindication," who denied that Mr Weston was the author of it, subscribed himself, in a defence of this pamphlet, "A Volunteer in the Service of Government." But Junius, persisting in his assertion that Mr Weston was the author, maintains, that so far from being a volunteer, he was, in fact, held in pay by government by the possession of the following offices: namely, those of privy counsellor in Ireland, writer of the Gazette, comptroller of the salt-office, clerk of the signet, and pensioner on the Irish establishment.

But I will not descend to an altercation, either with the impotence of your age, or the peevishness of your diseases. Your pamphlet, ingenious as it is, has been so little read, that the public cannot know how far you have a right to give me the lie, without the following citation of your own words :

Page 6th. “ 1. That he is persuaded that the motives which he (Mr Weston) has alleged, must appear fully sufficient with or without the opinions of the surgeons.

“ 2. That those very motives *must have been* the foundation on which the Earl of Rochford thought proper, &c.

“ 3. That he *cannot but regret*, that the Earl of Rochford seems to have thought proper to lay the chirurgical reports before the king, in preference to all the other sufficient motives,” &c.

Let the public determine whether this be defending government on their principles or your own.

The style and language you have adopted are, I confess, not ill suited to the elegance of your own manners, or to the dignity of the cause you have undertaken. Every common dauber writes rascal and villain under his pictures, because the pictures themselves have neither character nor resemblance. But the works of a master require no index : his features and colouring are taken from nature ; the impression they make is immediate and uniform : nor is it possible to mistake his character, whether they represent the treachery of a minister, or the abused simplicity of a king.

JUNIUS.

LETTER XI.

*To his Grace the Duke of Grafton.**

MY LORD,

April 24, 1769.

THE system you seemed to have adopted when Lord Chatham unexpectedly left you at the head of af-

* Junius's first letter to the Duke of Grafton was founded on the acquittal of M'Quirk. His second is an invective resting entirely upon the breach of the constitution of which he supposes the duke to have been guilty in advising and supporting the return of Colonel Luttrell for the county of Middlesex. As there are frequent allusions to this transaction in the course of these Letters, the following short history of it seems necessary:

Wilkes had been expelled from parliament on the ground of his being the avowed author of an insolent, scandalous, and seditious libel; of his having been convicted, in the King's Bench, of having printed and published a seditious libel, and three obscene and impious libels; and of his having been condemned to twenty-two months imprisonment on that account. But the electors of Middlesex only felt their fondness for him increased by this expulsion. A contest, consequently, immediately began between them and the House of Commons, during which John Wilkes was driven like a shuttlecock between these two great political gamesters, the Middlesex electors regularly returning him, and the House of Commons as regularly expelling him. Seeing no end of this game, or of the ridicule or irritation connected with it, the House of Commons perceived that some other method of terminating the contest must be adopted. Colonel Luttrell accordingly undertook to vacate his seat, and to offer himself as a rival candidate for Westminster against Wilkes, and having obtained 296 votes, though Wilkes came with an immense majority, he was declared to have been duly chosen, John Wilkes being incapable of sitting in parliament on account of his previous expulsion; Wilkes, therefore, was not again expelled, as formerly, but his previous expulsion was declared to have rendered him incapable of taking his seat, and Colonel Luttrell, therefore, was considered as the proper member.

Hitherto the electors of Westminster had insisted that they could choose whom they pleased, and that the House of Commons might expel their elected member as often as

fairs, gave us no promise of that uncommon exertion of vigour which has since illustrated your character, and distinguished your administration. Far from discovering a spirit bold enough to invade the first rights of the people, and the first principles of the constitution, you were scrupulous of exercising even those powers with which the executive branch of the legislature is legally invested. We have not yet forgotten how long Mr Wilkes was suffered to appear at large, nor how long he was at liberty to canvass for the city and county, with all the terrors of an outlawry hanging over him. Our gracious sovereign has not yet forgotten the extraordinary care you took of his dignity, and of the safety of his person, when, at a crisis which courtiers affected to call alarming, you left the metropolis exposed, for two nights together, to every species of riot and disorder. The security of the royal residence from insult was then sufficiently provided for in Mr Conway's firmness, and Lord Weymouth's discretion;* while the prime minister of Great Britain, in a rural retirement, and in the arms of faded beauty,† had lost all memory of his sovereign, his country, and himself. In these instances you might have acted with vigour, for you would have had the sanction of the laws to support you. The friends of government

they thought fit. But the ground was now changed, and attempts were made to convince the nation at large, that the right of choosing whom they pleased was invaded. The ferment of course became general and violent; the House of Commons was denounced, by innumerable petitions and remonstrances, as incapable of fulfilling the duties for which they had been chosen. And, in the letter which is now before the reader, the prime minister was held up to reprobation as the principal instigator of his transaction.—*Ed.*

* This is sarcasm.—*Ed.*

† The celebrated Nancy Parsons, afterwards Lady Maynard.—*Ed.*

might have defended you without shame; and moderate men, who wish well to the peace and good order of society, might have had a pretence for applauding your conduct. But these, it seems, were not occasions worthy of your grace's interposition. You reserved the proofs of your intrepid spirit for trials of greater hazard and importance; and now, as if the most disgraceful relaxation of the executive authority had given you a claim of credit to indulge in excesses still more dangerous, you seem determined to compensate amply for your former negligence, and to balance the non-execution of the laws with a breach of the constitution. From one extreme you suddenly start to the other, without leaving, between the weakness and the fury of the passions, one moment's interval for the firmness of the understanding.

These observations, general as they are, might easily be extended into a faithful history of your grace's administration, and perhaps may be the employment of a future hour. But the business of the present moment will not suffer me to look back to a series of events which cease to be interesting or important, because they are succeeded by a measure so singularly daring, that it excites all our attention, and engrosses all our resentment.

Your patronage of Mr Luttrell has been crowned with success. With this precedent before you, with the principles on which it was established, and with a future House of Commons, perhaps less virtuous than the present, every county in England, under the auspices of the treasury, may be represented as completely as the county of Middlesex. Posterity will be indebted to your grace for not contenting yourself with a temporary expedient, but entailing upon them the immediate blessings of your administration. Boroughs were already too much at the mercy of government. Counties could neither be purchased nor intimidated. But their solemn

determined election may be rejected ; and the man they detest may be appointed by another choice to represent them in parliament. Yet it is admitted, that the sheriffs obeyed the laws, and performed their duty.* The return they made must have been legal and valid, or undoubtedly they would have been censured for making it. With every good-natured allowance for your grace's youth and inexperience, there are some things which you cannot but know. You cannot but know that the right of the freeholders to adhere to their choice (even supposing it improperly exerted) was as clear and indisputable as that of the House of Commons to exclude one of their own members. Nor is it possible for you not to see the wide distance there is between the negative power of rejecting one man, and the positive power of appointing another. The right of expulsion, in the most favourable sense, is no more than the custom of parliament. The right of election is the very essence of the constitution. To violate that right, and much more to transfer it to any other set of men, is a step leading immediately to the dissolution of all government. So far forth as it operates, it constitutes a House of Commons which *does not* represent the people. A House of Commons so formed would involve a contradiction, and the grossest confusion of ideas : but there are some ministers, my lord, whose views can only be answered by reconciling absurdities, and making the same proposition, which is false and absurd in argument, true in fact.

This measure, my lord, is, however, attended with one consequence favourable to the people, which I am persuaded you did not foresee.† While

* Sir Fletcher Norton, when it was proposed to punish the sheriffs, declared to the House of Commons, that they, in returning Mr Wilkes, had done no more than their duty.

† The reader is desired to mark this prophecy.

the contest lay between the ministry and Mr Wilkes, his situation and private character gave you advantages over him, which common candour, if not the memory of your former friendship, should have forbidden you to make use of. To religious men you had an opportunity of exaggerating the irregularities of his past life ; to moderate men you held forth the pernicious consequences of faction. Men who, with this character, look no farther than to the object before them, were not dissatisfied at seeing Mr Wilkes excluded from parliament. You have now taken care to shift the question ; or rather, you have created a new one, in which Mr Wilkes is no more concerned than any other English gentleman. You have united this country against you on one grand constitutional point, on the decision of which our existence as a free people absolutely depends. You have asserted, not in words, but in fact, that the representation in parliament does not depend upon the choice of the freeholders. If such a case can possibly happen once, it may happen frequently ; it may happen always ; and if three hundred votes, by any mode of reasoning whatever, can prevail against twelve hundred, the same reasoning would equally have given Mr Luttrell his seat with ten votes, or even with one. The consequences of this attack upon the constitution are too plain and palpable not to alarm the dullest apprehension. I trust you will find that the people of England are neither deficient in spirit nor understanding ; though you have treated them as if they had neither sense to feel, nor spirit to resent. We have reason to thank God, and our ancestors, that there never yet was a minister in this country who could stand the issue of such a conflict ; and, with every prejudice in favour of your intentions, I see no such abilities in your grace, as should enable you to succeed in an enterprise in which the ablest and basest of your predecessors have found their destruction. You

may continue to deceive your gracious master with false representations of the temper and condition of his subjects. You may command a venal vote, because it is the common established appendage of your office. But never hope that the freeholders will make a tame surrender of their rights ; or that an English army will join with you in overturning the liberties of their country. They know that their first duty as citizens is paramount to all subsequent engagements : nor will they prefer the discipline, or even the honours of their profession, to those sacred original rights which belonged to them before they were soldiers, and which they claim and possess as the birth-right of Englishmen.

Return, my lord, before it be too late, to that easy, insipid system which you first set out with. Take back your mistress.* The name of friend may be fatal to her, for it leads to treachery and persecution. Indulge the people. Attend Newmarket. Mr Luttrell may again vacate his seat ; and Mr Wilkes, if not persecuted, will soon be forgotten. To be weak and inactive is safer than to be daring and criminal ; and wide is the distance between a riot of the populace and a convulsion of the whole kingdom. You may live to make the experiment, but no honest man can wish you should survive it.

JUNIUS.

* The duke, about this time, had separated himself from Anne Parsons ; but proposed to continue united with her on some platonic terms of friendship, which she rejected with contempt. His baseness to this woman is beyond description or belief.

LETTER XII.

To his Grace the Duke of Grafton.

MY LORD,

May 30, 1769.

IF the measures* in which you have been most successful had been supported by any tolerable appearance of argument, I should have thought my time not ill employed in continuing to examine your conduct as a minister, and stating it fairly to the public. But when I see questions of the highest national importance carried as they have been, and the first principles of the constitution openly violated, without argument or decency, I confess I give up the cause in despair. The meanest of your predecessors had abilities sufficient to give a colour to their measures. If they invaded the rights of the people, they did not dare to offer a direct insult to their understanding; and, in former times, the most venal parliaments made it a condition, in their bargain with the minister, that he should furnish them with some plausible pretences for selling their country and themselves. You have had the merit of introducing a more compendious system of govern-

* After having attacked the prime minister on two particular points, namely, the affair of M'Quirk's pardon, and the return of Colonel Luttrell as member for Westminster, Junius proceeds, in this twelfth letter, to review the duke's conduct more at large. This letter, indeed, has always been regarded as one of the most carefully finished of the series; and, perhaps, there is not any which ought to be more attentively studied by a person who wishes to form an exact idea of our author's manner, and, in particular, of that fine but peculiar vein of irony which is his most happy talent. The letter indeed is a piece of exquisite sarcasm throughout.—*Ed.*

ment and logic. You neither address yourself to the passions nor the understanding, but simply to the touch. You apply yourself immediately to the feelings of your friends; who, contrary to the forms of parliament, never enter heartily into a debate until they have divided.

Relinquishing, therefore, all idle views of amendment to your grace, or of benefit to the public, let me be permitted to consider your character and conduct, merely as a subject of curious speculation. There is something in both which distinguishes you, not only from all other ministers, but all other men. It is not that you do wrong by design, but that you should never do right by mistake. It is not that your indolence and your activity have been equally misapplied, but that the first uniform principle, or, if I may call it, the genius of your life, should have carried you through every possible change and contradiction of conduct, without the momentary imputation or colour of a virtue; and that the wildest spirit of inconsistency should never have once betrayed you into a wise or honourable action. This, I own, gives an air of singularity to your fortune, as well as to your disposition. Let us look back together to a scene in which a *mind like yours** will find nothing to repent of. Let us try, my lord, how well you have supported the various relations in which you stood to your sovereign, your country, your friends, and yourself. Give us, if it be possible, some excuse to posterity, and to ourselves,

* This is a favourite mode of sarcasm with our author. Among several other instances, we find the following in a letter not printed in this collection, but which is also addressed to the Duke of Grafton, expressly on the subject of his attachment to Miss Parsons, and on his having led her publicly through the opera-house. "*To a mind like yours*, my lord, such an outrage to your wife, such a triumph over decency, such an insult to the company, must have afforded the highest gratification."—*Ed.*

for submitting to your administration. If not the abilities of a great minister, if not the integrity of a patriot, or the fidelity of a friend, show us, at least, the firmness of a man. For the sake of your mistress, the lover shall be spared. I will not lead her into public* as you have done; nor will I insult the memory of departed beauty. Her sex, which alone made her amiable in your eyes, makes her respectable in mine.

The character of the reputed ancestors of some men has made it possible for their descendants to be vicious in the extreme, without being degenerate. Those of your grace, for instance, left no distressing examples of virtue even to their legitimate posterity; and you may look back with pleasure to an illustrious pedigree, in which heraldry has not left a single good quality upon record to insult or upbraid you. You have better proofs of your descent, my lord, than the register of a marriage, or any troublesome inheritance of reputation. There are some hereditary strokes of character by which a family may be as clearly distinguished as by the blackest features of the human face.† Charles the First lived and died a hypocrite. Charles the Second was a hypocrite of another sort, and should have died upon the same scaffold. At the distance of a century, we see their

* The duke was accused of having not once only, but frequently, attended Miss Parsons in public, and even of having placed her at the head of his table. It was in reference to his attachment to this lady that the following lines were written:

Can Apollo resist, or a poet refuse,
When Harry and Nancy solicit the Muse;
A statesman who makes the whole nation his care,
And a nymph who is *almost* as chaste as she's fair.

But Miss Parsons was now beyond the prime both of her years and of her beauty.—*Ed.*

† The allusion in this is to the dark complexion of the duke, in which he is supposed to have resembled his ancestor Charles the First.—*Ed.*

different characters happily revived and blended in your grace. Sullen and severe without religion, profligate without gayety, you live like Charles the Second, without being an amiable companion ; and, for aught I know, may die as his father did, without the reputation of a martyr.

You had already taken your degrees with credit, in those schools in which the English nobility are formed to virtue, when you were introduced to Lord Chatham's protection.* From Newmarket, White's, and the opposition,† he gave you to the world with an air of popularity, which young men usually set out with, and seldom preserve : grave and plausible enough to be thought fit for business ; too young for treachery ; and, in short, a patriot of no unpromising expectations. Lord Chatham was the earliest object of your political wonder and attachment ; yet you deserted him, upon the first hopes that offered of an equal share of power with Lord Rockingham. When the late Duke of Cumberland's first negotiation failed, and when the favourite was pushed to the last extremity, you saved him, by joining with an administration in which Lord Chatham had refused to engage.‡ Still, how-

* To understand these passages, the reader is referred to a noted pamphlet, called "The History of the Minority."

† White's and the Opposition were the names of the club-rooms in which the party opposed to government usually met. More lately they were succeeded by Brooke's.—*Ed.*

‡ Lord Bute having concluded the peace of 1763, retired from office, leaving the administration of affairs to Mr Grenville, Lord Halifax, and Lord Egremont. Amidst the rapid changes, however, which took place about that time, these ministers were soon succeeded by the Duke of Bedford. But a disagreement took place in a very short time between his grace and Lord Bute, who was still considered as the secret adviser or favourite of the king. Great difficulties, in fact, were found in forming a steady and efficient administration ; and those who wished to expel the favourite from his influence, and to establish again the true whig principles, felt that union among the leaders of that party was their best and only hope. But the Duke of Cumberland

ever, he was your friend : and you are yet to explain to the world, why you consented to act without him ; or why, after uniting with Lord Rockingham, you deserted and betrayed him. You complained, that no measures were taken to satisfy your patron ;* and that your friend, Mr Wilkes, who had suffered so much for the party, had been abandoned to his fate. They have since contributed not a little to your present plenitude of power ; yet, I think, Lord Chatham has less reason than ever to be satisfied : and, as for Mr Wilkes, it is, perhaps, the greatest misfortune of his life, that you should have so many compensations to make in the closet for your former friendship with him. Your gracious master understands your character, and makes you a persecutor, because you have been a friend.

Lord Chatham formed his last administration upon principles which you certainly concurred in, or you could never have been placed at the head of the treasury. By deserting those principles, or by acting in direct contradiction to them, in which he found you were secretly supported in the closet, you soon forced him to leave you to yourself, and to withdraw his name from an administration which had been formed on the credit of it. You had then

having been repeatedly delegated to form, if possible, an effective ministry, his attempts were rendered abortive by the obstinacy of Lords Chatham and Temple on the one hand, and by the facility and thirst of power of some other leading politicians on the other hand. The Marquis of Rockingham at last consented to accept the seals ; and the Duke of Grafton, who had declared that he would not act without Lord Chatham, now ranged himself under the banners of the marquis. It was thus that, when “ the favourite was pushed to the last extremity, the Duke of Grafton saved him ;” and it was for thus preventing, by his facility, such an arrangement as Junius wished, rather than simply for forgetting what he had said about his devotion to Lord Chatham, that the duke was treated with such unrelenting hostility by the author of these Letters.—*Ed.*

* Lord Chatham.—*Ed.*

a prospect of friendships better suited to your genius, and more likely to fix your disposition. Marriage is the point on which every rake is stationary at last: and truly, my lord, you may well be weary of the circuit you have taken; for you have now fairly travelled through every sign in the political zodiac, from the scorpion, in which you stung Lord Chatham, to the hopes of a virgin * in the house of Bloomsbury. † One would think that you had had sufficient experience of the frailty of nuptial engagements, or, at least, that such a friendship as the Duke of Bedford's might have been secured to you by the auspicious marriage of your late duchess ‡ with his nephew. But ties of this tender nature cannot be drawn too close; and it may possibly be a part of the Duke of Bedford's ambition, after making her an honest woman, to work a miracle of the same sort upon your grace. § This worthy nobleman has long dealt in virtue: there has been a large consumption of it in his own family; and, in the way of traffic, I dare say, he has bought and sold more than half the representative integrity of the nation.

In a political view, this union is not imprudent. The favour of princes is a perishable commodity. You have now a strength sufficient to command the

* His grace had lately married Miss Wrottesly, niece of the good *Gertrude, Duchess of Bedford*.

† This sentence is much more remarkable for the conceit than for the justness or beauty of the figure. Indeed, Junius, though always vigorous even in his imagery, is not always in the best taste in that article; and it was of the very sentence now before us, that Hamilton, who was sometimes said to have been the author of the Letters, declared, that if he could have written such a sentence as that, he would have considered himself to have forfeited all pretensions to good taste in composition for ever.—*Ed.*

‡ Miss Liddel, after her divorce from the duke, married Lord Upper Ossory.

§ This is Junius's mode of saying that the duke was not an honest man.—*Ed.*

closet, and if it be necessary to betray one friendship more, you may set even Lord Bute at defiance. Mr Stuart M'Kenzie may possibly remember what use the Duke of Bedford* usually makes of his power; and our gracious sovereign, I doubt not, rejoices at this first appearance of union among his servants. His late majesty, under the happy influence of a family connexion between his ministers, was relieved from the cares of the government. A more active prince may, perhaps, observe with suspicion by what degrees an artful servant grows upon his master, from the first unlimited professions of duty and attachment to the painful representation of the necessity of the royal service, and soon, in regular progression, to the humble insolence of dictating in all the obsequious forms of peremptory submission. The interval is carefully employed in forming connexions, creating interests, collecting a party, and laying the foundation of double marriages; until the deluded prince, who thought he had found a creature prostituted to his service, and insignificant enough to be always dependent upon his pleasure, finds him, at last, too strong to be commanded, and too formidable to be removed.

Your grace's public conduct, as a minister, is but the counterpart of your private history; the same inconsistency, the same contradictions. In America we trace you, from the first opposition to the stamp act, on principles of convenience, to Mr Pitt's surrender of the right; then forward to Lord Rockingham's surrender of the fact; then back again to Lord Rockingham's declaration of the right; then forward to taxation with Mr Townshend; and, in

* When the Duke of Bedford was in power, he insisted upon Mr Stuart M'Kenzie, who was Lord Bute's brother, and who had obtained from his majesty the office of lord privy seal of Scotland for life, being displaced from his office. He was succeeded by Lord Frederick Campbell.—*Ed.*

the last instance, from the gentle Conway's undetermined discretion, to blood and compulsion with the Duke of Bedford: yet, if we may believe the simplicity of Lord North's eloquence, at the opening of the next session you are once more to be the patron of America.* Is this the wisdom of a great minister; or is it the ominous vibration of a pendulum? Had you no opinion of your own, my lord? Or was it the gratification of betraying every party with which you have been united, and of deserting every political principle in which you had concurred?

Your enemies may turn their eyes without regret from this admirable system of provincial government. They will find gratification enough in the survey of your domestic and foreign policy.

If, instead of disowning Lord Shelburne, the British court had interposed with dignity and firmness, you know, my lord, that Corsica would never have been invaded.† The French saw the weakness of a distracted ministry, and were justified in treating you with contempt. They would probably have yielded, in the first instance, rather than hazard a rupture with this country; but, being once engaged, they cannot retreat without dishonour. Common sense foresees consequences which have escaped your grace's penetration. Either we suffer the French to make an acquisition, the importance of

* Every person in the least degree acquainted with the politics of that period knows, that there were the greatest differences of opinion among the political leaders of those days, respecting the right, the expediency, and the plan of taxing America. It is the object of this passage, to represent the Duke of Grafton as having adopted all these varieties of opinion, according as they suited his own views of power.—*Ed.*

† Lord Shelburne, when secretary of state, had instructed the British ambassador at the court of France to remonstrate against the invasion of Corsica: but his lordship was not properly supported in these instructions, and the invasion took place.—*Ed.*

which you have probably no conception of; or we oppose them by an underhand management, which only disgraces us in the eyes of Europe, without answering any purpose of policy or prudence. From secret, indirect assistance, a transition to some more open, decisive measures, becomes unavoidable; till, at last, we find ourselves principal in the war, and are obliged to hazard every thing for an object which might have originally been obtained without expense or danger. I am not versed in the politics of the north; but this, I believe, is certain, that half the money you have distributed to carry the expulsion of Mr Wilkes, or even your secretary's share in the last subscription, would have kept the Turks at your devotion. Was it economy, my lord? or did the coy resistance you have constantly met with in the British senate make you despair of corrupting the divan? Your friends, indeed, have the first claim upon your bounty: but if £500 a-year can be spared in pension to Sir John Moore,* it would not have disgraced you to have allowed something to the secret service of the public.

You will say, perhaps, that the situation of affairs at home demanded and engrossed the whole of your attention. Here, I confess, you have been active. An amiable, accomplished prince ascends the throne under the happiest of all auspices, the acclamations and united affections of his subjects. The first measures of his reign, and even the odium of a favourite, were not able to shake their attachment. *Your* services, my lord, have been more successful. Since you were permitted to take the lead, we have seen the natural effects of a system of government at once both odious and contemptible. We have seen the laws sometimes scandalously relaxed, some-

* Sir John Moore is said to have been an old Newmarket acquaintance of the duke's, and to have obtained this pension to repair his shattered fortune.—*Ed.*

times violently stretched beyond their tone. We have seen the person of the sovereign insulted; and, in profound peace, and with an undisputed title, the fidelity of his subjects brought by his own servants into public question.* Without abilities, resolution, or interest, you have done more than Lord Bute could accomplish, with all Scotland at his heels.

Your grace, little anxious, perhaps, either for present or future reputation, will not desire to be handed down in these colours to posterity. You have reason to flatter yourself, that the memory of your administration will survive even the forms of a constitution which our ancestors vainly hoped would be immortal; and, as for your personal character, I will not, for the honour of human nature, suppose that you can wish to have it remembered. The condition of the present times is desperate indeed; but there is a debt due to those who come after us; and it is the historian's office to punish, though he cannot correct. I do not give you to posterity as a pattern to imitate, but as an example to deter; and as your conduct comprehends every thing that a wise or honest minister should avoid, I mean to make you a negative instruction to your successors for ever.

JUNIUS.

* The wise duke, about this time, exerted all the influence of government to procure addresses to satisfy the king of the fidelity of his subjects. They came in very thick from *Scotland*; but, after the appearance of this letter, we heard no more of them.

LETTER XIII.*

Addressed to the Printer of the Public Advertiser.

SIR,

June 12, 1769.

THE Duke of Grafton's friends not finding it convenient to enter into a contest with *Junius*, are now reduced to the last melancholy resource of defeated argument, the flat general charge of scurrility and falsehood. As for his style, I shall leave it to the critics. The truth of his facts is of more importance to the public. They are of such a nature, that I think a bare contradiction will have no weight with any man who judges for himself. Let us take them in the order in which they appear in his last letter.

1. Have not the first rights of the people, and the first principles of the constitution, been openly invaded, and the very name of an election made ridiculous, by the arbitrary appointment of Mr Luttrell?

2. Did not the Duke of Grafton frequently lead his mistress into public, and even place her at the head of his table, as if he had pulled down an ancient temple of Venus, and could bury all decency and shame under the ruins? Is this the man who dares to talk of Mr Wilkes's morals?

3. Is not the character of his presumptive ancestors as strongly marked in him, as if he had descended from them in a direct legitimate line? The idea of his death is only prophetic; and what is prophecy but a narrative preceding the fact?

* This letter contains a summary of all the author's preceding charges against the Duke of Grafton.—*Ed.*

4. Was not Lord Chatham the first who raised him to the rank and post of a minister, and the first whom he abandoned ?

5. Did he not join with Lord Rockingham, and betray him ?

6. Was he not the bosom friend of Mr Wilkes, whom he now pursues to destruction ?

7. Did he not take his degrees with credit at Newmarket, White's, and the opposition ?

8. After deserting Lord Chatham's principles, and sacrificing his friendship, is he not now closely united with a set of men, who, though they have occasionally joined with all parties, have, in every different situation, and at all times, been equally and constantly detested by this country ?

9. Has not Sir John Moore a pension of five hundred pounds a-year ? This may probably be an acquittance of favours upon the turf : but is it possible for a minister to offer a grosser outrage to a nation which has so very lately cleared away the beggary of the civil list, at the expense of more than half a million ?

10. Is there any one mode of thinking or acting, with respect to America, which the Duke of Grafton has not successively adopted and abandoned ?

11. Is there not a singular mark of shame set upon this man, who has so little delicacy and feeling, as to submit to the opprobrium of marrying a near relation of one who had debauched his wife ? In the name of decency, how are these amiable cousins to meet at their uncle's table ? It will be a scene in *Œdipus*, without the distress. Is it wealth, or wit, or beauty ? Or is the amorous youth in love ?

The rest is notorious. That Corsica has been sacrificed to the French ; that, in some instances, the laws have been scandalously relaxed, and, in others, daringly violated ; and that the king's subjects have been called upon to assure him of their fidelity, in spite of the measures of his servants.

A writer who builds his arguments upon facts such as these is not easily to be confuted. He is not to be answered by general assertions or general reproaches. He may want eloquence to amuse and persuade; but, speaking truth, he must always convince.

PHILO JUNIUS.

LETTER XIV.*

Addressed to the Printer of the Public Advertiser.

SIR,

June 22, 1769.

THE name of *Old Noll* is destined to be the ruin of the house of Stuart. There is an ominous fatality in it, which even the spurious descendants of the family cannot escape. Oliver Cromwell had the merit of conducting Charles the First to the block. Your correspondent, *Old Noll*, appears to have the same design upon the Duke of Grafton.

* This letter is an answer to one in defence of the Duke of Grafton, which had appeared in the public papers, and which was subscribed *Old Noll*.

In order to understand the irony with which the letter commences, it is necessary that the reader should recollect that *Old Noll* was the nickname of Oliver Cromwell, who, says Junius, had the merit of conducting Charles the First to the block.

It must also be recollected, that the name of the president who pronounced sentence on Charles was Bradshaw; which also was the name of the Duke of Grafton's private secretary. This gentleman, who was originally a clerk to a contractor for forage—who was next advanced to a petty post in the war-office—who was now the Duke of Grafton's secretary—and who at last became a lord of the admiralty—is frequently mentioned by Junius with evident marks of dislike. He calls him Tommy Bradshaw—the Duke of Grafton's cream-coloured parasite; and it is in allusion to his happy faculty of smiling that Junius says of him, that "he never weeps but like an April shower, with a lambent ray of sunshine on his countenance."—*Ed.*

His arguments consist better with the title he has assumed, than with the principles he professes; for though he pretends to be an advocate for the duke, he takes care to give us the best reason why his patron should regularly follow the fate of his presumptive ancestor. Through the whole course of the Duke of Grafton's life, I see a strange endeavour to unite contradictions which cannot be reconciled. He marries, to be divorced; he keeps a mistress, to remind him of conjugal endearments; and he chooses such friends as it is a virtue in him to desert. If it were possible for the genius of that accomplished president who pronounced sentence upon Charles the First, to be revived in some modern sycophant, * his grace, I doubt not, would by sympathy discover him among the dregs of mankind, and take him for a guide in those paths which naturally conduct a minister to the scaffold.

The assertion, that two-thirds of the nation approve of the *acceptance* of Mr Luttrell (for even *Old Noll* is too modest to call it an election), can neither be maintained nor confuted by argument. It is a point of fact, on which every English gentleman will determine for himself. As to lawyers, their profession is supported by the indiscriminate defence of right and wrong; and I confess I have not that opinion of their knowledge or integrity, to think it necessary that they should decide for me upon a plain constitutional question. With respect to the appointment of Mr Luttrell, the chancellor † has never yet given any authentic opinion. Sir Fletcher Norton is, indeed, an honest, a very honest man; and the attorney-general ‡ is *ex officio* the guardian of liberty; to take care, I presume, that it shall never break out into a criminal excess.

* It is hardly necessary to remind the reader of the name of *Bradshaw*.

† Lord Camden.—*Ed.*

‡ Mr De Grey.—*Ed.*

Doctor Blackstone is solicitor to the queen. The doctor recollected that he had a place to preserve, though he forgot that he had a reputation to lose. We have now the good fortune to understand the doctor's principles as well as writings. For the defence of truth, of law, and reason, the doctor's book may be safely consulted; but whoever wishes to cheat a neighbour of his estate,* or to rob a country of its rights,† need make no scruple of consulting the doctor himself.

The example of the English nobility may, for aught I know, sufficiently justify the Duke of Grafton, when he indulges his genius in all the fashionable excesses of the age; yet, considering his rank and station, I think it would do him more honour to be able to deny the fact, than to defend it by such authority. But if vice itself could be excused, there is yet a certain display of it, a certain outrage to decency, and violation of public decorum, which, for the benefit of society, should never be forgiven. It is not that he kept a mistress at home, but that he constantly attended her abroad. It is not the private indulgence, but the public insult, of which I complain. The name of Miss Parsons would hardly have been known, if the first lord of the treasury had not led her in triumph through the opera-house, even in the presence of the queen. When we see a man act in this manner, we may admit the shameless depravity of his heart; but what are we to think of his understanding?

His grace, it seems, is now to be a regular, domestic man; and, as an omen of the future delicacy and correctness of his conduct, he marries a first

* Dr Blackstone was the adviser of Sir James Lowther in his contest with the Duke of Portland respecting the Cumberland crown-lands.—*Ed.*

† Dr Blackstone also maintained that the expulsion of Mr Wilkes inferred an incapacity of his being re-elected as a member of the House of Commons.—*Ed.*

cousin of the man who had fixed that mark and title of infamy upon him, which, at the same moment, makes a husband unhappy and ridiculous.* The ties of consanguinity may possibly preserve him from the same fate a second time; and as to the distress of meeting, I take for granted, the venerable uncle of these common cousins has settled the etiquette in such a manner, that, if a mistake should happen, it may reach no farther than from *madame ma femme* to *madame ma cousine*.

The Duke of Grafton has always some excellent reason for deserting his friends: the age and incapacity of Lord Chatham, the debility of Lord Rockingham, or the infamy of Mr Wilkes. There was a time, indeed, when he did not appear to be quite so well acquainted, or so violently offended, with the infirmities of his friends. But now I confess they are not ill exchanged for the youthful, vigorous virtue of the Duke of Bedford; the firmness of General Conway; the blunt, or, if I may call it, the awkward integrity of Mr. Rigby; and the spotless morality of Lord Sandwich.†

If a late pension to a broken gambler‡ be an act worthy of commendation, the Duke of Grafton's connexions will furnish him with many opportunities of doing praiseworthy actions; and, as he himself bears no part of the expense, the generosity of distributing the public money for the support of virtuous families in distress, will be an unquestionable proof of his grace's humanity.

As to public affairs, *Old Noll* is a little tender of descending to particulars. He does not deny that Corsica has been sacrificed to France; and he con-

* The reader will recollect, that the Duke of Grafton, after his divorce, married a niece of the Duke of Bedford.—*Ed.*

† The epithets in this sentence are all sarcastic, and meant to be interpreted by opposites.—*Ed.*

‡ Sir John Moore.

fesses that, with regard to America, his patron's measures have been subject to some variation ; but then he promises wonders of stability and firmness for the future. These are mysteries of which we must not pretend to judge by experience ; and, truly, I fear we shall perish in the desert before we arrive at the land of promise. In the regular course of things, the period of the Duke of Grafton's ministerial manhood should now be approaching. The imbecility of his infant state was committed to Lord Chatham. Charles Townshend took some care of his education at that ambiguous age, which lies between the follies of political childhood and the vices of puberty. The empire of the passions soon succeeded. His earliest principles and connexions were of course forgotten or despised. The company he has lately kept has been of no service to his morals ; and, in the conduct of public affairs, we see the character of his time of life strongly distinguished. An obstinate, ungovernable self-sufficiency plainly points out to us that state of imperfect maturity at which the graceful levity of youth is lost, and the solidity of experience not yet acquired. It is possible the young man may, in time, grow wiser, and reform ; but if I understand his disposition, it is not of such corrigible stuff that we should hope for any amendment in him, before he has accomplished the destruction of this country. Like other rakes, he may, perhaps, live to see his error, but not until he has ruined his estate.

PHILO JUNIUS.

LETTER XV.*

—

To his Grace the Duke of Grafton.

MY LORD,

July 8, 1769.

IF nature had given you an understanding qualified to keep pace with the wishes and principles of your heart, she would have made you, perhaps, the most formidable minister that ever was employed, under a limited monarch, to accomplish the ruin of a free people. When neither the feelings of shame, the reproaches of conscience, nor the dread of punishment, form any bar to the designs of a minister, the people would have too much reason to lament their condition, if they did not find some resource in the weakness of his understanding. We owe it to the bounty of Providence, that the completest

* After having given, in his last letter to the Duke of Grafton, a specimen of those unrivalled powers of irony with which he was gifted, our author, in the composition now before us, tries a different strain: and as the former letter was one continued vein of refined irony, this is distinguished by its uniform and powerfully sustained tone of indignation. Not only the strain of sentiment, but the character of the composition is different; in the present letter the sentences flow with more rapidity, as they ought to do, when indicating the feelings of one who is in rage; and as in the former letter we seem to see the author *grinning horribly a ghastly smile*, in this he appears to our imagination in the attitude of a man who is ready to crush, by his uplifted arm, an enemy who is at once the object of his indignation and his spite. A critical student of the style of Junius ought to peruse this letter with this distinction in his mind. Its invective, however, is not less finely wrought than the irony of the former letter.

The purpose of the letter is to fix on the duke the stigma of being the most versatile and unprincipled minister of modern times, and to threaten him with the approaching vengeance of the British people, for having violated, by the acceptance of Colonel Luttrell, a fundamental principle of the British constitution.—*Ed.*

depravity of the heart is sometimes strangely united with a confusion of the mind, which counteracts the most favourite principles, and makes the same man treacherous without art, and a hypocrite without deceiving. The measures, for instance, in which your grace's activity has been chiefly exerted, as they were adopted without skill, should have been conducted with more than common dexterity. But truly, my lord, the execution has been as gross as the design. By one decisive step you have defeated all the arts of writing. You have fairly confounded the intrigues of opposition, and silenced the clamours of faction. A dark, ambiguous system might require and furnish the materials of ingenious illustration; and, in doubtful measures, the virulent exaggeration of party must be employed to rouse and engage the passions of the people. You have now brought the merits of your administration to an issue, on which every Englishman, of the narrowest capacity, may determine for himself. It is not an alarm to the passions, but a calm appeal to the judgment of the people, upon their own most essential interests. A more experienced minister would not have hazarded a direct invasion of the first principles of the constitution, before he had made some progress in subduing the spirit of the people. With such a cause as yours, my lord, it is not sufficient that you have the court at your devotion, unless you can find means to corrupt or intimidate the jury. The collective body of the people form that jury, and from their decision there is but one appeal.

Whether you have talents to support you, at a crisis of such difficulty and danger, should long since have been considered. Judging truly of your disposition, you have, perhaps, mistaken the extent of your capacity. Good faith and folly have so long been received as synonymous terms, that the reverse of the proposition has grown into credit, and every villain fancies himself a man of abilities. It is the

apprehension of your friends, my lord, that you have drawn some hasty conclusion of this sort, and that a partial reliance upon your moral character has betrayed you beyond the depth of your understanding. You have now carried things too far to retreat. You have plainly declared to the people what they are to expect from the continuance of your administration. It is time for your grace to consider what you also may expect in return from their spirit and their resentment.

Since the accession of our most gracious sovereign to the throne, we have seen a system of government which may well be called a reign of experiments. Parties of all denominations have been employed and dismissed.* The advice of the ablest men in this country has been repeatedly called for, and rejected; and when the royal displeasure has been signified to a minister, the marks of it have usually been proportioned to his abilities and integrity. The spirit of the *favourite* had some apparent influence upon every administration; and every set of ministers preserved an appearance of duration as long as they submitted to that influence. But there were certain services to be performed for the favourite's security, or to gratify his resentments, which your predecessors in office had the wisdom or the virtue not to undertake. The moment this refractory spirit was discovered, their disgrace was determined. Lord Chatham, Mr Grenville, and Lord Rockingham, have successively had the honour to be dismissed for preferring their duty, as servants of the public, to those compliances which were expected from their station. A submissive administration was at last gradually collected from the deserters of all parties, interests, and connexions; and nothing

* The reader will find the meaning of this passage amply illustrated in the first of the Preliminary Dissertations prefixed to this volume.—*Ed.*

remained but to find a leader for these gallant, well-disciplined troops. Stand forth, my lord ; for thou art the man. Lord Bute found no resource of dependence or security in the proud, imposing superiority of Lord Chatham's abilities ; the shrewd, inflexible judgment of Mr Grenville ; nor in the mild but determined integrity of Lord Rockingham.* His views and situation required a creature void of all these properties ; and he was forced to go through every division, resolution, composition, and refinement of political chemistry, before he happily arrived at the *caput mortuum* of vitriol in your grace.† Flat and insipid in your retired state ; but, brought into action, you become vitriol again. Such are the extremes of alternate indolence or fury, which have governed your whole administration. Your circumstances, with regard to the people, soon becoming desperate, like other honest servants, you determined to involve the best of masters in the same difficulties with yourself. We owe it to your grace's well-directed labours, that your sovereign has been persuaded to doubt of the affections of his subjects, and the people to suspect the virtues of their sovereign, at a time when both were unquestionable. You have degraded the royal dignity into a base and dishonourable competition with Mr Wilkes ; nor had you abilities to carry even the last contemptible triumph over a private man, without the grossest violation of the fundamental laws of the constitution and rights of the people. But these are rights, my lord, which you can no more annihilate than you can the soil to which they are annexed. The ques-

* These epithets are not sarcastic, like those in the preceding letter, but are meant to be literally taken, and are very characteristic.—*Ed.*

† This is one of those striking but incorrect metaphors, in which we have already noticed that our author sometimes deals. The *caput mortuum* of vitriol would puzzle the enlightened chemists of our days to say what it is.—*Ed.*

tion no longer turns upon points of national honour and security abroad, or on the degrees of expedience and propriety of measures at home. It was not inconsistent that you should abandon the cause of liberty, in another country,* which you had persecuted in your own : and, in the common arts of domestic corruption, we miss no part of Sir Robert Walpole's system, except his abilities. In this humble, imitative line, you might long have proceeded safe and contemptible. You might probably never have risen to the dignity of being hated, and even have been despised with moderation. But it seems you meant to be distinguished ; and, to a mind like yours,† there was no other road to fame but by the destruction of a noble fabric, which you thought had been too long the admiration of mankind.—The use you have made of the military force introduced an alarming change in the mode of executing the laws. The arbitrary appointment of Mr Luttrell invades the foundation of the laws themselves, as it manifestly transfers the right of legislation from those whom the people have chosen to those whom they have rejected. With a succession of such appointments, we may soon see a House of Commons collected, in the choice of which the other towns and counties of England will have as little share as the devoted county of Middlesex.

Yet I trust your grace will find that the people of this country are neither to be intimidated by violent measures, nor deceived by refinements. When they see Mr Luttrell seated in the House of Commons, by mere dint of power, and in direct opposition to the choice of a whole county, they will not listen to those subtilties by which every arbitrary exertion of

* Corsica, so often mentioned already, and for whose generous struggles Junius probably felt a sincere respect.—*Ed.*

† Some other instances of this favourite mode of expression have been noticed, p. 49, note i.—*Ed.*

authority is explained into the law and privilege of parliament. It requires no persuasion of argument, but simply the evidence of the senses, to convince them, that, to transfer the right of election from the collective to the representative body of the people, contradicts all those ideas of a House of Commons which they have received from their forefathers, and which they had already, though vainly, perhaps, delivered to their children. The principles on which this violent measure has been defended have added scorn to injury, and forced us to feel that we are not only oppressed, but insulted.

With what force, my lord, with what protection, are you prepared to meet the united detestation of the people of England? The city of London has given a generous example to the kingdom, in what manner a king of this country ought to be addressed :* and I fancy, my lord, it is not yet in your courage to stand between your sovereign and the addresses of his subjects. The injuries you have done this country are such as demand not only redress, but vengeance. In vain shall you look for protection to that venal vote† which you have already paid for : another must be purchased ; and, to save a minister, the House of Commons must declare themselves not only independent of their constituents, but the determined enemies of the constitution. Consider, my lord, whether this be an extremity to which their fears will permit them to advance : or, if their protection should fail you, how far you are authorised to rely upon the sincerity of

* The object of the addresses, and petitions, and remonstrances referred to in this passage, was to convince the king that the constitution had been invaded, by the acceptance of Colonel Luttrell, in its most vital parts ; that parliament, by accepting him, had shown themselves to be unfit representatives of the nation ; and that it ought therefore immediately to be dismissed.—*Ed.*

† The vote in favour of the duke's measures by the House of Commons is here meant.—*Ed.*

those smiles, which a pious court lavishes without reluctance upon a libertine by profession. It is not, indeed, the least of the thousand contradictions which attend you, that a man, marked to the world by the grossest violation of all ceremony and decorum, should be the first servant of a court, in which prayers are morality, and kneeling is religion.*

Trust not too far to appearances, by which your predecessors have been deceived, though they have not been injured. Even the best of princes may at last discover, that this is a contention in which every thing may be lost, but nothing can be gained : and, as you became minister by accident, were adopted without choice, trusted without confidence, and continued without favour, be assured, that whenever an occasion presses, you will be discarded without even the forms of regret. You will then have reason to be thankful, if you are permitted to retire to that seat of learning,† which, in contemplation of the system of your life, the comparative purity of your manners with those of their high steward,‡ and a thousand other recommending circumstances, has chosen you to encourage the growing virtue of their youth, and to preside over their education. Whenever the spirit of distributing prebends and bishopricks shall

* The effrontery of this attack upon the piety of the monarch, can only be excused by the recollection, that party feeling was at that time in its most agitated state, and that the *genuine piety* of the sovereign's character was not then so well understood as it afterwards was by all classes of his subjects.—*Ed.*

† Cambridge, for which the Duke of Grafton had lately been elected Chancellor.—*Ed.*

‡ The high steward of the University was the Earl of Sandwich, of whom S. N. Wraxall says, that even in his 62d year his licentious mode of life seemed more befitting a minister of Charles II. than a confidential servant of George III. It is of this nobleman that Churchill is supposed to speak in his poem entitled, *The Candidate*, where he says,

“ Search earth, search hell, the devil cannot find
An agent, like Lothario, to his mind.”—*Ed.*

have departed from you, you will find that learned seminary perfectly recovered from the delirium of an installation, and, what in truth it ought to be, once more a peaceful scene of slumber and thoughtless meditation. The venerable tutors of the university will no longer distress your modesty, by proposing you for a pattern to their pupils. The learned dullness of declamation will be silent;* and even the venal muse,† though happiest in fiction, will forget your virtues. Yet, for the benefit of the succeeding age, I could wish that your retreat might be deferred until your morals shall happily be ripened to that maturity of corruption, at which the worst examples cease to be contagious. JUNIUS.

LETTER XVI.‡

To the Printer of the Public Advertiser.

SIR,

July 19, 1769.

A GREAT deal of useless argument might have been saved, in the political contest which has arisen,

* It has been supposed, but without any very good reason, that the author had Dr Johnson particularly in his eye in this passage.—*Ed.*

† There is no doubt, however, that in this latter part of the sentence he alluded to Gray, whose celebrated Ode to Music was performed at the installation of his grace. The ode begins,

“Hence! avaunt! ’tis holy ground,
Comus and his midnight crew.”

And its concluding stanza, in which the grand chorus addresses itself to the situation of his grace, might not unaptly have been quoted after the invective of this letter.

“Through the wild waves as they roar,
With watchful eye and dauntless mien,
Thy steady course of honour keep;
Nor fear the rocks, nor seek the shore—
The star of Brunswick shines serene,
And gilds the terrors of the deep.”—*Ed.*

‡ This letter, and several of those that follow it, are occupied with a discussion of the question, occasioned by the ex-

from the expulsion of Mr Wilkes, and the subsequent appointment of Mr Luttrell, if the question

pulsion of Wilkes, and subsequent appointment of Colonel Luttrell, whether *expulsion* by a vote of the House of Commons infers such an *incapacity* of being re-elected, as renders all votes given at a subsequent election to the expelled person null and void? and whether, consequently, any other qualified person, who has the greatest number of votes, is therefore *the duly elected member*? This question evidently embraces the following subordinate questions, viz. whether, in the *first* place, an expelled person is, by the very act of expulsion, incapable of being re-elected? and, in the *second* place, whether, supposing him to be *incapable*, the person who has the next greatest number of votes is the *duly elected member*?

In order to determine the leading question, the case of Mr Walpole, which was considered as the first and only case that bore any resemblance to that of Wilkes, was referred to by both parties; but as this case was not, in all its particulars, the same with that in question, it is necessary to state it in this place, that the reader may understand both how it bore upon the points at issue, and how far the reasonings in the subsequent letter devoted to the discussion of this question are just.

Mr Walpole was expelled and confined to the Tower in the beginning of the last century, for a high breach of trust, in having accepted profits upon a military contract, while he was secretary at war. But the electors of King's Lynn, for which place he had been member, returned him by a majority of votes, another gentleman, named Samuel Taylor, having the next greatest number. Upon this a motion was made and put in the House of Commons, that Robert Walpole, having been, during that session of parliament, committed a prisoner to the Tower for notorious corruption, was and is *incapable* of being elected a member to serve in this present parliament. It was decided in the affirmative. But another motion being made and put, that Samuel Taylor is duly elected, it passed in the negative.

Those, therefore, who maintained that Wilkes was *incapable* of being re-elected, found their position supported thus far by this precedent; for Mr Walpole was declared to have been incapacitated. But when the same persons proceeded to aver, that from this incapacity of Wilkes, Colonel Luttrell was the duly elected member, they found the precedent as decidedly against them: for Mr Taylor had been declared, by a previous vote of the House of Commons, to have been *not duly elected*. And the friends of Wilkes maintained, that by accepting Colonel Luttrell, the House of Commons had infringed on the constitutional rights and franchises of the nation; while the friends of ministry asserted, that by

had been once stated with precision, to the satisfaction of each party, and clearly understood by them both. But in this, as in almost every other dispute, it usually happens that much time is lost in referring to a multitude of cases and precedents, which prove nothing to the purpose; or in maintaining propositions, which are either not disputed, or, whether they be admitted or denied, are entirely indifferent as to the matter in debate; until at last, the mind, perplexed and confounded with the endless subtleties of controversy, loses sight of the main question, and never arrives at truth. Both parties in the dispute are apt enough to practise these dishonest artifices. The man who is conscious of the weakness of his cause is interested in concealing it: and, on the other side, it is not uncommon to see a good cause mangled by advocates, who do not know the real strength of it.

I should be glad to know, for instance, to what purpose, in the present case, so many precedents have been produced to prove, that the House of Commons have a right to expel one of their own members; that it belongs to them to judge of the validity of elections; or that the law of parliament is part of the law of the land? After all these propositions are admitted, Mr Luttrell's right to his seat will continue to be just as disputable as it was before. Not one of them is at present in agitation. Let it be admitted, that the House of Commons

the very fact of Wilkes having been incapacitated, the person who had the next greatest number of votes was the duly elected member.

Such was the dilemma into which this precedent had brought the two great political parties; and such is the difficulty which it is the object of Junius, in the subsequent letters, as far as the 25d, to solve.—*Ed.*

* The reader will observe, that these admissions are made, not as of truths unquestionable, but for the sake of argument, and in order to bring the real question to issue.

were authorised to expel Mr Wilkes, that they are the proper court to judge of elections, and that the law of parliament is binding upon the people, still it remains to be inquired, whether the House, by their resolution in favour of Mr Luttrell, have, or have not, truly declared that law. To facilitate this inquiry, I would have the question cleared of all foreign or indifferent matter. The following state of it will probably be thought a fair one by both parties; and then I imagine there is no gentleman in this country who will not be capable of forming a judicious and true opinion upon it. I take the question to be strictly this: ‘Whether or no it be the known, established law of parliament, that the expulsion of a member of the House of Commons of itself creates in him such an incapacity to be re-elected, that, at a subsequent election, any votes given to him are null and void; and that any other candidate, who, except the person expelled, has the greatest number of votes, ought to be the sitting member?’

To prove that the affirmative is the law of parliament, I apprehend it is not sufficient for the present House of Commons to declare it to be so. We may shut our eyes, indeed, to the dangerous consequences of suffering one branch of the legislature to declare new laws without argument or example; and it may, perhaps, be prudent enough to submit to authority; but a mere assertion will never convince, much less will it be thought reasonable to prove the right by the fact itself. The ministry have not yet pretended to such a tyranny over our minds. To support the affirmative fairly, it will either be necessary to produce some statute, in which that positive provision shall have been made, that specific disability clearly created, and the consequences of it declared; or, if there be no such statute, the custom of parliament must then be referred to; and some

case or cases,* strictly in point, must be produced, with the decision of the court upon them; for I readily admit, that the custom of parliament, once clearly proved, is equally binding with the common and statute law.

The consideration of what may be reasonable or unreasonable, makes no part of this question. We are inquiring what the law is, not what it ought to be. Reason may be applied to show the impropriety or expediency of a law; but we must have either statute or precedent to prove the existence of it. At the same time, I do not mean to admit that the late resolution of the House of Commons is defensible on general principles of reason, any more than in law. This is not the hinge on which the debate turns.

Supposing, therefore, that I have laid down an accurate state of the question, I will venture to affirm, 1st, That there is no statute existing, by which that specific disability which we speak of is created. If there be, let it be produced. The argument will then be at an end.

2dly, That there is no precedent, in all the proceedings of the House of Commons, which comes entirely home to the present case, viz. ‘Where an expelled member has been returned again, and another candidate, with an inferior number of votes, has been declared the sitting member.’ If there be such a precedent, let it be given to us plainly; and I am sure it will have more weight than all the cunning arguments which have been drawn from inferences and probabilities.

The ministry, in that laborious pamphlet, which, I presume, contains the whole strength of the party, have declared, ‘That Mr Walpole’s was the first and only instance in which the electors of any county

* Precedents, in opposition to principles, have little weight with *Junius*; but he thought it necessary to meet the ministry upon their own ground.

or borough had returned a person expelled to serve in the same parliament.' It is not possible to conceive a case more exactly in point. Mr Walpole was expelled; and, having a majority of votes at the next election, was returned again. The friends of Mr Taylor, a candidate set up by the ministry, petitioned the House that he might be the sitting member. Thus far the circumstances tally exactly, except that our House of Commons saved Mr Luttrell the trouble of petitioning. The point of law, however, was the same. It came regularly before the House, and it was their business to determine upon it. They did determine it; for they declared Mr Taylor *not duly elected*. If it be said, that they meant this resolution as matter of favour and indulgence to the borough, which had retorted Mr Walpole upon them, in order that the burgesses, knowing what the law was, might correct their error, I answer,

I. That it is a strange way of arguing, to oppose a supposition, which no man can prove, to a fact which proves itself.

II. That if this were the intention of the House of Commons, it must have defeated itself. The burgesses of Lynn could never have known their error, much less could they have corrected it by any instruction they received from the proceedings of the House of Commons. They might, perhaps, have foreseen, that if they returned Mr Walpole again, he would again be rejected; but they never could infer, from a resolution by which the candidate with the fewest votes was declared *not duly elected*, that, at a future election, and in similar circumstances, the House of Commons would reverse their resolution, and receive the same candidate as duly elected, whom they had before rejected.

This, indeed, would have been a most extraordinary way of declaring the law of parliament, and

what, I presume, no man, whose understanding is not at cross-purposes with itself, could possibly understand.

If, in a case of this importance, I thought myself at liberty to argue from suppositions rather than from facts, I think the probability, in this instance, is directly the reverse of what the ministry affirm; and that it is much more likely that the House of Commons, at that time, would rather have strained a point in favour of Mr Taylor, than that they would have violated the law of parliament, and robbed Mr Taylor of a right legally vested in him, to gratify a refractory borough, which, in defiance of them, had returned a person branded with the strongest mark of the displeasure of the House.

But really, sir, this way of talking (for I cannot call it argument) is a mockery of the common understanding of the nation, too gross to be endured. Our dearest interests are at stake. An attempt has been made, not merely to rob a single county of its rights, but, by inevitable consequence, to alter the constitution of the House of Commons. This fatal attempt has succeeded, and stands as a precedent recorded for ever. If the ministry are unable to defend their cause by fair argument, founded on facts, let them spare us, at least, the mortification of being amused and deluded, like children. I believe there is yet a spirit of resistance in this country, which will not submit to be oppressed; but I am sure there is a fund of good sense in this country, which cannot be deceived.

JUNIUS.

LETTER XVII.

To the Printer of the Public Advertiser.

SIR,

August 1, 1769.

IT will not be necessary for Junius to take the trouble of answering your correspondent G. A.,* or the quotation from a speech without doors, published in your paper of the 28th of last month.† The speech appeared before Junius's letter; and, as the author seems to consider the great proposition on which all his argument depends, viz. *that Mr Wilkes was under that known legal incapacity of which Junius speaks*, as a point granted, his speech is in no shape an answer to Junius, for this is the very question in debate.

As to G. A., I observe, first, that if he did not admit Junius's state of the question, he should have shown the fallacy of it, or given us a more exact one; secondly, that, considering the many hours and days which the ministry and their advocates have wasted in public debate, in compiling large quartos, and collecting innumerable precedents, expressly to prove that the late proceedings of the House of Commons are warranted by the law, custom, and practice of parliament, it is rather an extraordinary supposition

* The writer who adopted the signature G. A. had maintained that, supposing there was no statute, no precedent, no case exactly applicable to that of Wilkes and Luttrell, the House of Commons had a right to create the precedent, and that the decision which they pronounced must be estimated by its own merits, independent of precedents.—*Ed.*

† The author of the speech here referred to was Dr Blackstone, who maintained, that the incapacity of Wilkes being admitted, it followed, from the very necessity of giving effect to the franchise of the electors, that the person with the next greatest number of votes was the duly elected member.—*Ed.*

to be made by one of their own party, even for the sake of argument, *that no such statute, no such custom of parliament, no such case in point, can be produced.* G. A. may, however, make the supposition with safety. It contains nothing but literally the fact; except that there is a case exactly in point, with a decision of the House, diametrically opposite to that which the present House of Commons came to in favour of Mr Luttrell.

The ministry now begin to be ashamed of the weakness of their cause; and, as it usually happens with falsehood, are driven to the necessity of shifting their ground, and changing their whole defence. At first we were told, that nothing could be clearer than that the proceedings of the House of Commons were justified by the known law and uniform custom of parliament. But now, it seems, if there be no law, the House of Commons have a right to make one; and if there be no precedent, they have a right to create the first: for this, I presume, is the amount of the questions proposed to Junius. If your correspondent had been at all versed in the law of parliament, or generally in the laws of this country, he would have seen that this defence is as weak and false as the former.

The privileges of either house of parliament, it is true, are indefinite: that is, they have not been described or laid down in any one code or declaration whatsoever; but, whenever a question of privilege has arisen, it has invariably been disputed or maintained upon the footing of precedents alone.* In the course of the proceedings upon the Aylesbury election, the House of Lords resolved, ‘That neither house of parliament had any power, by any vote or declaration, to create to themselves any new

* This is still meeting the ministry upon their own ground; for, in truth, no precedents will support either natural in justice, or a violation of positive rights.

privilege, that was not warranted by the known laws and customs of parliament.' And to this rule, the House of Commons, though otherwise they had acted in a very arbitrary manner, gave their assent; for they affirmed that they had guided themselves by it in asserting their privileges. Now, sir, if this be true, with respect to matters of privilege, in which the House of Commons, individually, and as a body, are principally concerned, how much more strongly will it hold against any pretended power in that House to create or declare a new law, in which not only the rights of the House over their own member, and those of the member himself, are included, but also those of a third and separate party; I mean the freeholders of the kingdom! To do justice to the ministry, they have not yet pretended that any one, or any two, of the three estates, have power to make a new law, without the concurrence of the third. They know, that a man who maintains such a doctrine is liable, by statute, to the heaviest penalties. They do not acknowledge that the House of Commons have assumed a *new* privilege, or declared a *new* law. On the contrary, they affirm that their proceedings have been strictly conformable to, and founded upon, the ancient law and custom of parliament. Thus, therefore, the question returns to the point at which Junius had fixed it, viz. *Whether or no this be the law of parliament?* If it be not, the House of Commons had no legal authority to establish the precedent; and the precedent itself is a mere fact, without any proof of right whatsoever.

Your correspondent concludes with a question of the simplest nature: *Must a thing be wrong because it has never been done before?* No. But, admitting it were proper to be done, that alone does not convey an authority to do it. As to the present case, I hope I shall never see the time, when not only a single person, but a whole county, and, in effect, the entire collective body of the people, may again

be robbed of their birth-right by a vote of the House of Commons. But if, for reasons which I am unable to comprehend, it be necessary to trust that House with a power so exorbitant and so unconstitutional, at least let it be given them by an act of the legislature.

PHILO JUNIUS.

LETTER XVIII.*

*To Sir William Blackstone, Solicitor General to
her Majesty.*

SIR,

July 29, 1769.

I SHALL make no apology for considering a certain pamphlet, in which your late conduct is defended, as written by yourself. The personal interest, the personal resentments, and, above all, that wounded spirit, unaccustomed to reproach, and, I hope, not frequently conscious of deserving it, are signals which betray the author to us as plainly as if your name were in the title-page. You appeal to the public in defence of your reputation. We hold it, sir, that an injury offered to an individual is interesting to society. On this principle, the people of England made common cause with Mr Wilkes. On this principle, if you are injured, they will join

* The politicians of the time had all their eloquence and acuteness called forth to determine the nice point of the incapacitation of Wilkes, as the necessary consequence of his expulsion; and some of the greatest writers of the period published pamphlets on the subject. Among these was that of Dr Blackstone, in answer to one by Sir William Meredith, and in which the doctor strenuously maintained the doctrine of the incapacitation. It is against this pamphlet that the animadversions of Junius, in this letter, are directed.—Ed.

in your resentment. I shall not follow you through the insipid form of a third person, but address myself to you directly.

You seem to think the channel of a pamphlet more respectable, and better suited to the dignity of your cause, than that of a newspaper. Be it so. Yet, if newspapers are scurrilous, you must confess they are impartial. They give us, without any apparent preference, the wit and argument of the ministry, as well as the abusive dulness of the opposition. The scales are equally poised. It is not the printer's fault if the greater weight inclines the balance.

Your pamphlet, then, is divided into an attack upon Mr Grenville's character, and a defence of your own. It would have been more consistent, perhaps, with your professed intention, to have confined yourself to the last. But anger has some claim to indulgence, and railing is usually a relief to the mind. I hope you have found benefit from the experiment. It is not my design to enter into a formal vindication of Mr Grenville upon his own principles. I have neither the honour of being personally known to him, nor do I pretend to be completely master of all the facts. I need not run the risk of doing an injustice to his opinions, or to his conduct, when your pamphlet alone carries, upon the face of it, a full vindication of both.

Your first reflection is, that Mr Grenville* was, of all men, the person who should not have complained of inconsistency† with regard to Mr Wilkes. This, sir, is either an unmeaning sneer, a peevish

* Mr Grenville had quoted a passage from the doctor's excellent Commentaries, which directly contradicted the doctrine maintained by the doctor in the House of Commons.

† It was Mr Grenville who began the opposition to Wilkes, by assuming the general warrant. But Mr Grenville afterwards joined the whigs, and became a defender of Wilkes.

expression of resentment ; or, if it means any thing, you plainly beg the question : for, whether his parliamentary conduct, with regard to Mr Wilkes, has, or has not, been inconsistent, remains yet to be proved. But it seems he received upon the spot a sufficient chastisement for exercising *so unfairly* his talents of misrepresentation. You are a lawyer, sir, and know better than I do upon what particular occasions a talent for misrepresentation may be *fairly* exerted ; but to punish a man a second time, when he has been once sufficiently chastised, is rather too severe. It is not in the laws of England ; it is not in your own Commentaries ; nor is it yet, I believe, in the new law which you have revealed to the House of Commons. I hope this doctrine has no existence but in your own heart. After all, sir, if you had consulted that sober discretion which you seem to oppose with triumph to the honest jollity of a tavern, it might have occurred to you, that, although you could have succeeded in fixing a charge of inconsistency upon Mr Grenville, it would not have tended in any shape to exculpate yourself.

Your next insinuation, that Sir William Meredith had hastily adopted the false glosses of his new ally, is of the same sort with the first. It conveys a sneer as little worthy of the gravity of your character, as it is useless to your defence. It is of little moment to the public to inquire by whom the charge was conceived, or by whom it was adopted. The only question we ask is, whether or not it be true ? The remainder of your reflections upon Mr Grenville's conduct destroy themselves. He could not possibly come prepared to traduce your integrity to the House ; he could not foresee that you would even speak upon the question ; much less could he foresee that you would maintain a direct contradiction of that doctrine which you had solemnly, disinterestedly, and, upon the soberest reflection, delivered to the public. He came armed, indeed, with what he thought a respectable authority, to support what he was con-

vinced was the cause of truth; and, I doubt not, he intended to give you, in the course of the debate, an honourable and public testimony of his esteem.—Thinking highly of his abilities, I cannot, however, allow him the gift of divination. As to what you are pleased to call a plan, coolly formed to impose upon the House of Commons, and his producing it, without provocation, at midnight, I consider it as the language of pique and invective, therefore unworthy of regard. But, sir, I am sensible I have followed your example too long, and wandered from the point.

The quotation from your Commentaries is matter of record. It can neither be altered by your friends, nor misrepresented by your enemies: and I am willing to take your own word for what you have said in the House of Commons. If there be a real difference between what you have written and what you have spoken, you confess that your book ought to be the standard. Now, sir, if words mean any thing, I apprehend, that when a long enumeration of disqualifications (whether by statute, or the custom of parliament) concludes with these general comprehensive words, ‘but subject to these restrictions and disqualifications, every subject of the realm is eligible of common right,’ a reader, of plain understanding, must of course rest satisfied that no species of disqualification whatsoever had been omitted. The known character of the author, and the apparent accuracy with which the whole work is compiled, would confirm him in his opinion: nor could he possibly form any other judgment, without looking upon your Commentaries in the same light in which you consider those penal laws, which, though not repealed, are fallen into disuse, and are now, in effect, *a snare to the unwary*.*

* If, in stating the law upon any point, a judge deliberately affirms that he has included *every* case, and it should appear that he has purposely omitted a material case, he does, in effect, lay a snare for the unwary.

You tell us, indeed, that it was not part of your plan to specify any temporary incapacity; and that you could not, without a spirit of prophecy, have specified the disability of a private individual subsequent to the period at which you wrote. What your plan was I know not; but what it should have been, in order to complete the work you have given us, is by no means difficult to determine. The incapacity, which you call temporary, may continue seven years; and though you might not have foreseen the particular case of Mr Wilkes, you might, and should, have foreseen the possibility of such a case, and told us how far the House of Commons were authorised to proceed in it by the law and custom of parliament. The freeholders of Middlesex would then have known what they had to trust to, and would never have returned Mr Wilkes, when Colonel Luttrell was a candidate against him. They would have chosen some indifferent person, rather than submit to be represented by the object of their contempt and detestation.

Your attempt to distinguish between disabilities, which affect whole classes of men, and those which affect individuals only, is really unworthy of your understanding. Your Commentaries had taught me, that, although the instance in which a penal law is exerted, be particular, the laws themselves are general: they are made for the benefit and instruction of the public, though the penalty falls only upon an individual. You cannot but know, sir, that what was Mr Wilkes's case yesterday may be yours or mine to-morrow, and that, consequently, the common right of every subject of the realm is invaded by it. Professing, therefore, to treat of the constitution of the House of Commons, and of the laws and customs relative to that constitution, you certainly were guilty of a most unpardonable omission, in taking no notice of a right and privilege of the House more extraordinary and more arbitrary than

all the others they possess put together. If the expulsion of a member, not under any legal disability, of itself creates in him an incapacity to be elected, I see a ready way marked out, by which the majority may, at any time, remove the honestest and ablest men who happen to be in opposition to them. To say that they will not make this extravagant use of their power would be a language unfit for a man so learned in the laws as you are. By your doctrine, sir, they have the power : and laws, you know, are intended to guard against what men may do, not to trust to what they will do.

Upon the whole, sir, the charge against you is of a plain, simple nature ; it appears even upon the face of your own pamphlet. On the contrary, your justification of yourself is full of subtilty and refinement, and in some places not very intelligible. If I were personally your enemy, I should dwell with a malignant pleasure upon those great and useful qualifications which you certainly possess, and by which you once acquired, though they could not preserve to you, the respect and esteem of your country ; I should enumerate the honours you have lost, and the virtues you have disgraced ; but, having no private resentments to gratify, I think it sufficient to have given my opinion of your public conduct, leaving the punishment it deserves to your closet and to yourself.

JUNIUS.

LETTER XIX.

Addressed to the Printer of the Public Advertiser.

SIR,

August 14, 1769.

A CORRESPONDENT of the St James's Evening Post first wilfully misunderstands Junius, then censures him for a bad reasoner. Junius does not say that it was incumbent upon Dr Blackstone to foresee and state the crimes for which Mr Wilkes was expelled. If, by a spirit of prophecy, he had even done so, it would have been nothing to the purpose. The question is, not for what particular offences a person may be expelled, but, generally, whether by the law of parliament expulsion alone creates a disqualification. If the affirmative be the law of parliament, Dr Blackstone might, and should, have told us so. The question is not confined to this or that particular person, but forms one great general branch of disqualification, too important in itself, and too extensive in its consequences, to be omitted in an accurate work expressly treating of the law of parliament.

The truth of the matter is evidently this: Dr Blackstone, while he was speaking in the House of Commons, never once thought of his Commentaries, until the contradiction was unexpectedly urged, and stared him in the face. Instead of defending himself upon the spot, he sunk under the charge in an agony of confusion and despair. It is well known that there was a pause of some minutes in the House, from a general expectation that the doctor would say something in his own defence; but it seems his faculties were too much overpowered to think of those subtilties and refinements which have since occurred to him. It was then Mr Grenville received

that severe chastisement which the doctor mentions with so much triumph: *I wish the honourable gentleman, instead of shaking his head, would shake a good argument out of it.* If to the elegance, novelty, and bitterness of this ingenious sarcasm, we add the natural melody of the amiable Sir Fletcher Norton's pipe, we shall not be surprised that Mr Grenville was unable to make any reply.

As to the doctor, I would recommend it to him to be quiet. If not, he may, perhaps, hear again from Junius himself. PHILO JUNIUS.

POSTSCRIPT to a Pamphlet entitled *An Answer to the Question stated.* Supposed to be written by Dr Blackstone, Solicitor to the Queen, in answer to Junius's Letter.

Since these papers were sent to the press, a writer, in the public papers, who subscribes himself Junius, has made a feint of bringing this question to a short issue. Though the foregoing observations contain, in my opinion at least, a full refutation of all that this writer has offered, I shall, however, bestow a very few words upon him. It will cost me very little trouble to unravel and expose the sophistry of his argument.

‘I take the question,’ says he, ‘to be strictly this: Whether or no it be the known established law of parliament, that the expulsion of a member of the House of Commons, of itself, creates in him such an incapacity to be re-elected, that, at a subsequent election, any votes given to him are null and void; and that any other candidate, who, except the person expelled, has the greatest number of votes, ought to be the sitting member?’

Waiving, for the present, any objection I may have to this state of the question, I shall venture to meet our champion upon his own ground; and attempt

to support the affirmative of it, in one of the two ways by which he says it can be alone fairly supported. 'If there be no statute,' says he, 'in which the specific disability is clearly created, &c. (and we acknowledge there is none) the custom of parliament must then be referred to; and some case, or cases, strictly in point, must be produced, with the decision of the court upon them.' Now, I assert that this has been done. Mr Walpole's case is strictly in point, to prove that expulsion creates absolute incapacity of being re-elected. This was the clear decision of the House upon it;* and was a full declaration that incapacity was the necessary consequence of expulsion. The law was as clearly and firmly fixed by this resolution, and is as binding in every subsequent case of expulsion, as if it had been declared by an express statute that a 'member, expelled by a resolution of the House of Commons, shall be deemed incapable of being re-elected.' Whatever doubt, then, there might have been of the law, before Mr Walpole's case, with respect to the full operation of a vote of expulsion, there can be none now. The decision of the House, upon this case, is strictly in point, to prove that expulsion creates absolute incapacity in law of being re-elected.

But incapacity in law, in this instance, must have

* It may be proper here to repeat the precise terms of the motions, March 6, 1711. A motion being made, and the question put, that Robert Walpole, Esq. having been this session of parliament committed a prisoner to the Tower of London, and expelled this House for an high breach of trust in the execution of his office, and notorious corruption, when secretary at war, was and is incapable of being elected a member to serve in this present parliament, it was resolved, upon a division, in the affirmative. Then a motion being made, and the question put, that Samuel Taylor, Esq. is duly elected a Burgess to serve in the present parliament for the borough of King's Lynn, in the county of Norfolk, it passed in the negative. Resolved, that the late election of a Burgess to serve in the present parliament, for the said borough of King's Lynn, in the county of Norfolk, is a void election.

the same operation and effect with incapacity in law in every other instance. Now, incapacity of being re-elected implies, in its very terms, that any votes given to the incapable person, at a subsequent election, are null and void. This is its necessary operation, or it has no operation at all: it is *vox et præterea nihil*. We can no more be called upon to prove this proposition, than we can to prove that a dead man is not alive; or that twice two are four. When the terms are understood, the proposition is self-evident.

Lastly, it is, in all cases of election, the known and established law of the land, grounded upon the clearest principles of reason and common sense, that if the votes given to one candidate are null and void, they cannot be opposed to the votes given to another candidate; they cannot affect the votes of such candidate at all. As they have, on the one hand, no positive quality to add or establish, so have they, on the other hand, no negative one to subtract or destroy. They are, in a word, a mere nonentity. Such was the determination of the House of Commons in the Malden and Bedford elections; cases strictly in point to the present question, as far as they are meant to be in point; and to say that they are not in point in all circumstances, in those particularly which are independent of the proposition which they are quoted to prove, is to say no more than that Malden is not Middlesex, nor Sergeant Comyns Mr Wilkes.

Let us see then how our proof stands. Expulsion creates incapacity, incapacity annihilates any votes given to the incapable person; the votes given to the qualified candidate stand, upon their own bottom, firm and untouched, and can alone have effect. This, one would think, would be sufficient. But we are stopped short, and told that none of our precedents come home to the present case, and are challenged to produce, ‘a precedent in all the pro-

ceedings of the House of Commons that does come home to it, viz. *where an expelled member has been returned again, and another candidate, with an inferior number of votes, has been declared the sitting member.*'

Instead of a precedent, I will beg leave to put a case; which, I fancy, will be quite as decisive to the present point. Suppose another Sacheverell (and every party must have its Sacheverell) should, at some future election, take it into his head to offer himself a candidate for the county of Middlesex. He is opposed by a candidate whose coat is of a different colour, but, however, of a very good colour. The divine has an indisputable majority; nay, the poor layman is absolutely distanced. The sheriff, after having had his conscience well informed by the reverend casuist, returns him, as he supposes, duly elected. The whole House is in an uproar, at the apprehension of so strange an appearance amongst them. A motion, however, is at length made, that the person was incapable of being elected; that his election, therefore, is null and void; and that his competitor ought to have been returned. 'No,' says a great orator, 'first show me your law for this proceeding. Either produce me a statute, in which the specific disability of a clergyman is created; or produce me a precedent, *where a clergyman has been returned, and another candidate, with an inferior number of votes, has been declared the sitting member.*' No such statute, no such precedent, to be found. What answer then is to be given to this demand? The very same answer which I will give to that of Junius,—that there is more than one precedent in the proceedings of the House, 'where an incapable person has been returned, and another candidate, with an inferior number of votes, has been declared the sitting member; and that this is the known and established law,

in all cases of incapacity, from whatever cause it may arise.'

I shall now, therefore, beg leave to make a slight amendment to Junius's state of the question, the affirmative of which will then stand thus :

' It is the known and established law of parliament, that the expulsion of any member of the House of Commons creates in him an incapacity of being re-elected ; that any votes given to him at a subsequent election are, in consequence of such incapacity, null and void ; and that any other candidate, who, except the person rendered incapable, has the greatest number of votes, ought to be the sitting member.'

But our business is not yet quite finished. Mr Walpole's case must have a re-hearing. ' It is not possible,' says this writer, ' to conceive a case more exactly in point. Mr Walpole was expelled, and, having a majority of votes at the next election, was returned again. The friends of Mr Taylor, a candidate set up by the ministry, petitioned the House that he might be the sitting member. Thus far the circumstances tally exactly, except that our House of Commons saved Mr Luttrell the trouble of petitioning. The point of law, however, was the same. It came regularly before the House, and it was their business to determine upon it. They did determine it ; for they declared Mr Taylor *not duly elected*.'

Instead of examining the justness of this representation, I shall beg leave to oppose against it my own view of the case, in as plain a manner and as few words as I am able.

It was the known and established law of parliament, when the charge against Mr Walpole came before the House of Commons, that they had power to expel, to disable, and to render incapable for offences. In virtue of this power they expelled him.

Had they, in the [unclear] session, adjudged him, in term [unclear] being re-elected, there must [unclear] an end with him. But [unclear] the House, both to expel and [unclear] capable, was clear and indubitable, it [unclear] not appear to me that the full operation and effect of a vote of expulsion singly was so. The law in this case had never been expressly declared; there had been no event to call up such a declaration. I trouble not myself with the grammatical meaning of the word expulsion; I regard only its legal meaning. This was not, as I think, precisely fixed. The House thought proper to fix it, and explicitly to declare the full consequences of their former vote, before they suffered these consequences to take effect: and in this proceeding they acted upon the most liberal and solid principles of equity, justice, and law. What then did the burgesses of Lynn collect from the second vote? Their subsequent conduct will tell us; it will with certainty tell us that they considered it as decisive against Mr Walpole. It will also, with equal certainty, tell us, that, upon supposition that the law of election stood then as it does now, and that they knew it to stand thus, they inferred, 'that, at a future election, and in case of a similar return, the House would receive the same candidate, as duly elected, whom they had before rejected.*' They could infer nothing but this.

It is needless to repeat the circumstance of dissimilarity in the present case: it will be sufficient to observe, that, as the law of parliament, upon which the House of Commons grounded every step of their proceedings, was clear beyond the reach of doubt, so neither could the freeholders of Middlesex be at a loss to foresee what must be the inevitable consequence of their proceedings in opposition to it; for, upon every return of Mr Wilkes, the House made

* Mr Taylor.—*Ed.*

inquiry whether any votes were given to any other candidate.

But I could venture, for the experiment's sake, even to give this writer the utmost he asks ; to allow the most perfect similarity throughout, in these two cases ; to allow that the law of expulsion was quite as clear to the burgesses of Lynn as to the freeholders of Middlesex. It will, I am confident, avail his cause but little. It will only prove, that the law of election, at that time, was different from the present law. It will prove, that, in all cases of an incapable candidate returned, the law then was, that the whole election should be void. But now we know that this is not law. The cases of Malden and Bedford were, as has been seen, determined upon other and more just principles ; and these determinations are, I imagine, admitted on all sides to be law.

I would willingly draw a veil over the remaining part of this paper. It is astonishing, it is painful, to see men of parts and ability giving in to the most unworthy artifices, and descending so much below their true line of character. But, if they are not the dupes of their sophistry (which is hardly to be conceived), let them consider that they are something much worse.

The dearest interests of this country are its laws and its constitution. Against every attack upon these, there will, I hope, be always found amongst us the firmest *spirit of resistance* ; superior to the united efforts of faction and ambition : for ambition, though it does not always take the lead of faction, will be sure, in the end, to make the most fatal advantage of it, and draw it to its own purposes. But, I trust, our day of trial is yet far off ; and there is *a fund of good sense in this country, which cannot long be deceived* by the arts either of false reasoning or false patriotism.

LETTER XX.

To the Printer of the Public Advertiser.

SIR,

August 8, 1769.

THE gentleman who has published an answer to Sir William Meredith's pamphlet, having honoured me with a postscript of six quarto pages, which he moderately calls bestowing a very few words upon me, I cannot, in common politeness, refuse him a reply. The form and magnitude of a quarto imposes upon the mind; and men, who are unequal to the labour of discussing an intricate argument, or wish to avoid it, are willing enough to suppose that much has been proved, because much has been said. Mine, I confess, are humble labours. I do not presume to instruct the learned, but simply to inform the body of the people; and I prefer that channel of conveyance which is likely to spread farthest among them. The advocates of the ministry seem to me to write for fame, and to flatter themselves, that the size of their works will make them immortal. They pile up reluctant quarto upon solid folio, as if their labours, because they are gigantic, could contend with truth and heaven.

The writer of the volume in question meets me upon my own ground. He acknowledges there is no statute by which the specific disability we speak of is created; but he affirms, that the custom of parliament has been referred to, and that a case strictly in point has been produced, with the decision of the court upon it. I thank him for coming so fairly to the point. He asserts, that the case of Mr Walpole is strictly in point, to prove that expulsion creates an absolute incapacity of being re-elected; and for this purpose he refers generally to the first vote of the House upon that occasion, without venturing to recite the vote itself. The unfair, disingenuous artifice of adopting that part of a pre-

cedent which seems to suit his purpose, and omitting the remainder, deserves some pity, but cannot excite my resentment. He takes advantage eagerly of the first resolution, by which Mr Walpole's incapacity is declared; but as to the two following, by which the candidate with the fewest votes was declared 'not duly elected,' and the election itself vacated, I dare say he would be well satisfied if they were for ever blotted out of the journals of the House of Commons. In fair argument, no part of a precedent should be admitted, unless the whole of it be given to us together. The author has divided his precedent; for he knew, that, taken together, it produced a consequence directly the reverse of that which he endeavours to draw from a vote of expulsion. But what will this honest person say, if I take him at his word, and demonstrate to him, that the House of Commons never meant to found Mr Walpole's incapacity upon his expulsion only? What subterfuge will then remain?

Let it be remembered, that we are speaking of the intention of men who lived more than half a century ago; and that such intention can only be collected from their words and actions, as they are delivered to us upon record. To prove their designs by a supposition of what they would have done, opposed to what they actually did, is mere trifling and impertinence. The vote by which Mr Walpole's incapacity was declared is thus expressed: 'That Robert Walpole, Esq. having been, this session of parliament, committed a prisoner to the Tower, and expelled this House for a breach of trust in the execution of his office, and notorious corruption, when secretary at war, was and is incapable of being elected a member to serve in this present parliament.*' Now, sir, to my understand-

* It is well worth remarking, that the compiler of a certain quarto, called, *The Case of the last Election for the County of Middlesex considered*, has the impudence to recite this very vote in the following terms (vide page 11):

ing, no proposition of this kind can be more evident, than that the House of Commons, by this very vote, themselves understood, and meant to declare, that Mr Walpole's incapacity arose from the crimes he had committed, not from the punishment the House annexed to them. The high breach of trust, the notorious corruption, are stated in the strongest terms. They do not tell us that he was incapable because he was expelled, but because he had been guilty of such offences as justly rendered him unworthy of a seat in parliament.—If they had intended to fix the disability upon his expulsion alone, the mention of his crimes in the same vote would have been highly improper. It could only perplex the minds of the electors, who, if they collected any thing from so confused a declaration of the law of parliament, must have concluded, that their representative had been declared incapable because he was highly guilty, not because he had been punished. But, even admitting them to have understood it in the other sense, they must then, from the very terms of the vote, have united the idea of his being sent to the Tower with that of his expulsion; and considered his incapacity as the joint effect of both.

I do not mean to give an opinion upon the justice of the proceedings of the House of Commons with regard to Mr Walpole; but certainly, if I admitted their censure to be well-founded, I could no way avoid agreeing with them in the consequence they drew from it. I could never have a doubt, in law or reason, that a man convicted of a high breach of trust, and of notorious corruption, in the execution of a public office, was, and ought to be, incapable of sitting in the same parliament.

‘ Resolved, That Robert Walpole, Esq. having been this session of parliament expelled the House, was and is incapable of being elected a member to serve in the present parliament.’ There cannot be a stronger positive proof of the treachery of the compiler, nor a stronger presumptive proof that he was convinced that the vote, if duly recited, would overturn his whole argument.

Far from attempting to invalidate that vote, I should have wished that the incapacity declared by it could legally have been continued for ever.

Now, sir, observe how forcibly the argument returns. The House of Commons, upon the face of their proceedings, had the strongest motives to declare Mr Walpole incapable of being re-elected. They thought such a man unworthy to sit among them. To that point they proceeded, and no farther; for they respected the rights of the people, while they asserted their own. They did not infer, from Mr Walpole's incapacity, that his opponent was duly elected; on the contrary, they declared Mr Taylor 'not duly elected,' and the election itself void.

Such, however, is the precedent which my honest friend assures us is strictly in point, to prove, that expulsion of itself creates an incapacity of being elected. If it had been so, the present House of Commons should at least have followed strictly the example before them, and should have stated to us, in the same vote, the crimes for which they expelled Mr Wilkes: whereas they resolve simply, that 'having been expelled, he was and is incapable.' In this proceeding, I am authorised to affirm, they have neither statute, nor custom, nor reason, nor one single precedent to support them. On the other side, there is, indeed, a precedent so strongly in point, that all the enchanted castles of ministerial magic fall before it. In the year 1698 (a period which the rankest tory dares not except against) Mr Wollaston was expelled, re-elected, and admitted to take his seat in the same parliament. The ministry have precluded themselves from all objections drawn from the cause of his expulsion; for they affirm absolutely, that expulsion, of itself, creates the disability. Now, sir, let sophistry evade, let falsehood assert, and impudence deny; here stands the precedent: a land-mark to direct us through a troubled sea of controversy, conspicuous and unremoved.

I have dwelt the longer upon the discussion of this point, because, in my opinion, it comprehends the whole question. The rest is unworthy of notice. We are inquiring whether incapacity be, or be not, created by expulsion. In the cases of Bedford and Malden, the incapacity of the persons returned was matter of public notoriety, for it was created by act of parliament. But really, sir, my honest friend's suppositions are as unfavourable to him as his facts. He well knows that the clergy, besides that they are represented in common with their fellow-subjects, have also a separate parliament of their own; that their incapacity to sit in the House of Commons has been confirmed by repeated decisions of that house; and that the law of parliament, declared by those decisions, has been, for above two centuries, notorious and undisputed. The author is certainly at liberty to fancy cases, and make whatever comparisons he thinks proper: his suppositions still continue as distant from fact as his wild discourses are from solid argument.

The conclusion of his book is candid to an extreme. He offers to grant me all I desire. He thinks he may safely admit, that the case of Mr Walpole makes directly against him; for it seems he has one grand solution in *petto* for all difficulties. 'If (says he) I were to allow all this, it will only prove that the law of election was different in Queen Anne's time from what it is at present.'

This, indeed, is more than I expected. The principle, I know, has been maintained in fact; but I never expected to see it so formally declared. What can he mean? Does he assume this language to satisfy the doubts of the people, or does he mean to rouse their indignation? Are the ministry daring enough to affirm, that the House of Commons have a right to make and unmake the law of parliament at their pleasure? Does the law of parliament, which we are often told is the law of the land, does

the common right of every subject of the realm, depend upon an arbitrary, capricious vote of one branch of the legislature? The voice of truth and reason must be silent.

The ministry tell us plainly, that this is no longer a question of right, but of power and force alone. What was law yesterday is not law to-day: and now, it seems, we have no better rule to live by, than the temporary discretion and fluctuating integrity of the House of Commons.

Professions of patriotism are become stale and ridiculous. For my own part, I claim no merit from endeavouring to do a service to my fellow-subjects. I have done it to the best of my understanding; and, without looking for the approbation of other men, my conscience is satisfied. What remains to be done concerns the collective body of the people. They are now to determine for themselves, whether they will firmly and constitutionally assert their rights, or make an humble, slavish surrender of them at the feet of the ministry. To a generous mind there cannot be a doubt. We owe it to our ancestors, to preserve entire those rights which they have delivered to our care. We owe it to our posterity, not to suffer their dearest inheritance to be destroyed. But, if it were possible for us to be insensible of these sacred claims, there is yet an obligation binding upon ourselves, from which nothing can acquit us; a personal interest, which we cannot surrender. To alienate even our own rights would be a crime as much more enormous than suicide, as a life of civil security and freedom is superior to a bare existence: and if life be the bounty of Heaven, we scornfully reject the noblest part of the gift, if we consent to surrender that certain rule of living, without which the condition of human nature is not only miserable but contemptible.

JUNIUS.

LETTER XXI.

To the Printer of the Public Advertiser.

SIR,

August 22, 1769.

I MUST beg of you to print a few lines in explanation of some passages in my last letter, which, I see, have been misunderstood.

1. When I said that the House of Commons never meant to found Mr Walpole's incapacity on his expulsion only, I meant no more than to deny the general proposition, that expulsion alone creates the incapacity. If there be any thing ambiguous in the expression, I beg leave to explain it, by saying, that, in my opinion, expulsion neither creates nor in any part contributes to create the incapacity in question.

2. I carefully avoided entering into the merits of Mr Walpole's case. I did not inquire whether the House of Commons acted justly, or whether they truly declared the law of parliament. My remarks went only to their apparent meaning and intention, as it stands declared in their own resolution.

3. I never meant to affirm, that a commitment to the Tower created a disqualification.—On the contrary, I considered that idea as an absurdity, into which the ministry must inevitably fall, if they reasoned right upon their own principles.

The case of Mr Wollaston speaks for itself. The ministry assert, that *expulsion alone* creates an absolute, complete incapacity to be re-elected to sit in the same parliament. This proposition they have uniformly maintained, without any condition or modification whatsoever. Mr Wollaston was expelled, re-elected, and admitted to take his seat in the same parliament. I leave it to the public to determine, whether this be a plain matter of fact, or mere nonsense or declamation.

JUNIUS.

LETTER XXII.

To the Printer of the Public Advertiser.

September 4, 1769.

ARGUMENT against *Fact*; or, a new System of Political Logic, by which the Ministry have demonstrated, to the Satisfaction of their Friends, that Expulsion alone creates a complete Incapacity to be re-elected, *alias*, That a Subject of this Realm may be robbed of his common Right by a Vote of the House of Commons.

FIRST FACT.

Mr Wollaston, in 1698, was expelled, re-elected, and admitted to take his seat.

ARGUMENT.

As this cannot conveniently be reconciled with our general proposition, it may be necessary to shift our ground, and look back to the cause of Mr Wollaston's expulsion. From thence it will appear clearly, that 'although he was expelled, he had not rendered himself a culprit, too ignominious to sit in parliament; and that, having resigned his employment, he was no longer incapacitated by law.' *Vide Serious Considerations*, page 23. Or thus: 'The House, somewhat *inaccurately*, used the word *expelled*; they should have called it a *motion*.' *Vide Mungo's Case considered*, page 11. Or, in short, if these arguments should be thought insufficient, we may fairly deny the fact. For example: 'I affirm that he was not re-elected. The same Mr Wollaston, who was expelled, was not again elected. The same individual, if you please, walked into the House, and took his seat there; but the same person, in law, was not admitted a member of that parliament from which he had been discarded.'

SECOND FACT.

Mr Walpole, having been committed to the Tower, and expelled, for a high breach of trust, and notorious corruption in a public office, was declared incapable, &c.

ARGUMENT.

From the terms of this vote, nothing can be more evident, than that the House of Commons meant to fix the incapacity upon the punishment, and not upon the crime; but, lest it should appear in a different light to weak, uninformed persons, it may be advisable to gut the resolution, and give it to the public, with all possible solemnity, in the following terms, viz. ‘Resolved, that Robert Walpole, Esq. having been that session of parliament expelled the House, was and is incapable of being elected a member to serve in that present parliament.’ *Vide Mungo, on the Use of Quotations*, page 11.

N. B. The author to the answer to Sir William Meredith seems to have made use of Mungo’s quotation: for, in page 18, he assures us, ‘That the declaratory vote of the 17th of February, 1769, was, indeed, a literal copy of the resolution of the House in Mr Walpole’s case.’

THIRD FACT.

His opponent, Mr Taylor, having the smallest number of votes at the next election, was declared not duly elected.

ARGUMENT.

This fact we consider as directly in point, to prove, that Mr Luttrell ought to be the sitting member, for the following reasons: ‘The burgesses of Lynn could draw no other inference from this resolution but this, that, at a future election, and in case of a similar return, the House would receive the same candidate as duly elected whom they had before rejected.’ *Vide Postscript to Junius*, p. 243.

Or thus : ‘ This, their resolution, leaves no room to doubt what part they would have taken, if, upon a subsequent re-election of Mr Walpole, there had been any other candidate in competition with him : for by their vote, they could have no other intention than to admit such other candidate.’ *Vide Mungo’s Case considered*, page 39. Or, take it in this light : the burgesses of Lynn having, in defiance of the House, retorted upon them a person whom they had branded with the most ignominious marks of their displeasure, were thereby so well entitled to favour and indulgence, that the House could do no less than rob Mr Taylor of a right legally vested in him, in order that the burgesses might be apprised of the law of parliament ; which law the House took a very direct way of explaining to them, by resolving that the candidate with the fewest votes was not duly elected : ‘ And was not this much more equitable, more in the spirit of that equal and substantial justice which is the end of all law, than if they had violently adhered to the strict maxims of law ?’ *Vide Serious Considerations*, pages 33 and 34. ‘ And if the present House of Commons had chosen to follow the spirit of this resolution, they would have received and established the candidate with the fewest votes.’ *Vide Answer to Sir W. M.* page 18.

Permit me now, sir, to shew you, that the worthy Dr Blackstone sometimes contradicts the ministry as well as himself. The speech, without doors, asserts, page 9th, ‘ That the legal effect of an incapacity, founded on a judicial determination of a complete court, is precisely the same as that of an incapacity created by an act of parliament.’ Now for the doctor. *The law, and the opinion of the judge, are not always convertible terms, or one and the same thing ; since it sometimes may happen, that the judge may mistake the law.* Commentaries, vol. i. p. 71.

The answer to Sir W. M. asserts, page 23, ‘ That

the returning officer is not a judicial, but a purely ministerial officer. His return is no judicial act.' At 'em again, doctor. *The Sheriff, in his judicial capacity, is to hear and determine causes of forty shillings value, and under, in his county court. He has also a judicial power in divers other civil cases. He is likewise to decide the elections of knights of the shire (subject to the control of the House of Commons), to judge of the qualification of voters, and to return such as he shall determine to be duly elected.*—Vide Commentaries, vol. i. p. 332.

What conclusion shall we draw from such facts, such arguments, and such contradictions? I cannot express my opinion of the present ministry more exactly than in the words of Sir Richard Steele, 'That we are governed by a set of drivellers, whose folly takes away all dignity from distress, and makes even calamity ridiculous.' PHILO JUNIUS.

LETTER XXIII.*

To his Grace the Duke of Bedford.

MY LORD,

September 19, 1769.

YOU are so little accustomed to receive any marks of respect or esteem from the public, that if, in the following lines, a compliment or expression of applause should escape me, I fear you would consider

* This is one of the most laboured of our author's letters; and perhaps there is none of them which displays, in so striking a manner, his unrelenting spirit. Indeed, from the number of vindications of the Duke of Bedford's character, which appeared after the publication of this letter, and the warm testimonies that were borne to his beneficence, by individuals who had experienced it, there is reason to think that Junius, for once, had gone too far for the spirit of the people whom he addressed; and that the hearts of Englishmen, which might exult in the belief that a powerful champion of their rights and privileges had appeared, yet revolted at the attempt to represent an aged father as altogether unaffected by the premature and sudden death of an

it as a mockery of your established character, and, perhaps, an insult to your understanding. You have nice feelings, my lord, if we may judge from your resentments. Cautious, therefore, of giving offence where you have so little deserved it, I shall leave the illustration of your virtues to other hands. Your friends have a privilege to play upon the easiness of your temper, or, possibly, they are better acquainted with your good qualities than I am. You have done good by stealth. The rest is upon record. You have still left ample room for speculation, when panegyric is exhausted.

You are, indeed, a very considerable man.—The highest rank, a splendid fortune, and a name, glo-

only son. The causes of the hostility of Junius to the Duke of Bedford are strongly marked in the course of this letter. The duke, in the *first* place, had negotiated the peace of 1763, —that peace with which all the odium of Lord Bute's name was associated, and which, from the terms that were obtained by Britain, was regarded as the most disgraceful and disadvantageous that had ever perhaps been made by this country. It was, indeed, the current belief of the time, that money had been offered by the French government to the Princess Dowager of Wales, to Lord Bute, to the Duke of Bedford, and perhaps to Lord Holland, to gain their acquiescence in the terms proposed by the French court; and this charge is plainly insinuated, in so far as the Duke of Bedford was concerned, in the following letter.

The author's second cause of dislike to his grace, evidently originated in what he regarded as the vacillating and unprincipled conduct of the Duke as a public man. After quarreling with Lord Bute, he had submitted to hold an interview with him, and indirectly at least, had attempted to make use of his lordship's influence to obtain favour for himself. He was accused of having endeavoured to impose unbecoming conditions on the king, and even of having offered him a personal insult; and the conduct of his grace, therefore, according to the representations of Junius, had been an odious compound of violence and of servility, of corruption and of inconsistency.

Our author's last quarrel with his grace, was on the score of his private character, for his grace is represented in this letter, as at once avaricious, low-spirited, and unfeeling. It would be in the highest degree silly, however, to consider Junius as a man calmly and dispassionately stating the belief of his own mind. He is only to be regarded as a gladiator, making use of every art to overthrow or to displace the person whom he has chosen as his antagonist.—*Ed.*

rious, till it was yours, were sufficient to have supported you with meaner abilities than I think you possess. From the first, you derive a constitutional claim to respect; from the second, a natural extensive authority; the last created a partial expectation of hereditary virtues. The use you have made of these uncommon advantages might have been more honourable to yourself, but could not be more instructive to mankind. We may trace it in the veneration of your country, the choice of your friends, and in the accomplishment of every sanguine hope which the public might have conceived from the illustrious name of Russel.

The eminence of your station gave you a commanding prospect of your duty. The road which led to honour was open to your view.—You could not lose it by mistake, and you had no temptation to depart from it by design.—Compare the natural dignity and importance of the highest peer of England: the noble independence which he might have maintained in parliament; and the real interest and respect which he might have acquired, not only in parliament, but through the whole kingdom; compare these glorious distinctions, with the ambition of holding a share in government, the emoluments of a place, the sale of a borough, or the purchase of a corporation;* and though you may not regret the virtues which create respect, you may see with anguish how much real importance and authority you have lost. Consider the character of an independent, virtuous Duke of Bedford; imagine what he might be in this country; then reflect one moment upon what you are. If it be possible for me to withdraw my attention from the fact, I will tell you in theory what such a man might be.

Conscious of his own weight and importance, his conduct in parliament would be directed by nothing but the constitutional duty of a peer.—He would

* Vide Author's notes, page 259.—Ed.

consider himself as a guardian of the laws. Willing to support the just measures of government, but determined to observe the conduct of the minister with suspicion, he would oppose the violence of faction with as much firmness as the encroachments of prerogative.—He would be as little capable of bargaining with the minister for places for himself, or his dependants, as of descending to mix himself in the intrigues of opposition. Whenever an important question called for his opinion in parliament, he would be heard by the most profligate minister with deference and respect.—His authority would either sanctify or disgrace the measures of government. The people would look up to him as their protector; and a virtuous prince would have one honest man in his dominions, in whose integrity and judgment he might safely confide. If it should be the will of Providence to afflict* him with a domestic misfortune, he would submit to the stroke with feeling, but not without dignity. He would consider the people as his children, and receive a generous, heart-felt consolation, in the sympathizing tears and blessings of his country.

Your grace may probably discover something more intelligible in the negative part of this illustrious character. The man I have described would never prostitute his dignity in parliament, by an indecent violence, either in opposing or defending a minister. He would not at one moment rancorously persecute, at another basely cringe to, the favourite of his sovereign. After outraging the royal dignity with peremptory conditions, little short of menace and hostility, he would never descend to the humility of soliciting an interview†

* The duke had lately lost his only son by a fall from his horse.

† At this interview, which passed at the house of the late Lord Eglington, Lord Bute told the duke, that he was determined never to have any connexion with a man who had so basely betrayed him.

with the favourite, and of offering to recover, at any price, the honour of his friendship. Though deceived, perhaps, in his youth, he would not, through the course of a long life, have invariably chosen his friends from among the most profligate of mankind.—His own honour would have forbidden him from mixing his private pleasures or conversation with jockeys, gamesters, blasphemers, gladiators, or buffoons. He would then have never felt, much less would he have submitted to, the dishonest necessity of engaging in the interests and intrigues of his dependants; of supplying their vices, or relieving their beggary, at the expense of his country. He would not have betrayed such ignorance, or such contempt, of the constitution, as openly to avow, in a court of justice, the purchase* and sale of a borough. He would not have thought it consistent with his rank in the state, or even with his personal importance, to be the little tyrant of a little corporation.† He would never have been insulted with virtues which he had laboured to extinguish; nor suffered the disgrace of a mortifying defeat, which has made him ridiculous and contemptible even to the few by whom he was not detested. I reverence the afflictions of a good man; his sorrows are sacred. But how can we take part in the distresses of a man whom we can neither love nor esteem; or feel for a calamity of which he himself is insensible? Where was the father's heart, when he could look for, or find, an immediate consolation for the loss of an only son, in con-

* In an answer in chancery, in a suit against him to recover a large sum, paid him by a person whom he had undertaken to return to parliament for one of his grace's boroughs, he was compelled to repay the money.

† Of Bedford, where the tyrant was held in such contempt and detestation, that, in order to deliver themselves from him, they admitted a great number of strangers to the freedom. To make his defeat truly ridiculous, he tried his whole strength against Mr Horne, and was beaten upon his own ground.

sultations and bargains for a place at court, and even in the misery of ballotting at the India-House?

Admitting, then, that you have mistaken or deserted those honourable principles which ought to have directed your conduct; admitting that you have as little claim to private affection as to public esteem, let us see with what abilities, with what degree of judgment, you have carried your own system into execution. A great man, in the success, and even in the magnitude, of his crimes, finds a rescue from contempt. Your grace is every where unfortunate. Yet I will not look back to those ridiculous scenes, by which, in your earlier days, you thought it an honour to be distinguished;* the recorded stripes, the public infamy, your own sufferings, or Mr Rigby's fortitude. These events undoubtedly left an impression, though not upon your mind. To such a mind it may, perhaps, be a pleasure to reflect, that there is hardly a corner of any of his majesty's kingdoms, except France, in which, at one time or other, your valuable life has not been in danger. Amiable man! we see and acknowledge the protection of Providence, by which you have so often escaped the personal detestation of your fellow-subjects, and are still reserved for the public justice of your country.

Your history begins to be important at that auspicious period at which you were deputed to represent the Earl of Bute at the court of Versailles. It was an honourable office, and executed with the

* Mr Heston Humphrey, a country attorney, horse-whipped the duke, with equal justice, severity, and perseverance, on the course at Lichfield. Rigby and Lord Trentham were also cudgelled in a most exemplary manner. This gave rise to the following story:—"When the late king heard that Sir Edward Hawke had given the French a *drubbing*, his majesty, who had never received that kind of chastisement, was pleased to ask Lord Chesterfield the meaning of the word.—'Sir,' says Lord Chesterfield, 'the meaning of the word—But here comes the Duke of Bedford, who is better able to explain it to your majesty than I am.'"

same spirit with which it was accepted. Your patrons wanted an ambassador who would submit to make concessions, without daring to insist upon any honourable condition for his sovereign. Their business required a man who had as little feeling for his own dignity as for the welfare of his country; and they found him in the first rank of the nobility. Belleisle, Goree, Guadaloupe, St Lucia, Martinique, the Fishery, and the Havannah, are glorious monuments of your grace's talents for negotiation. My lord, we are too well acquainted with your pecuniary character, to think it possible that so many public sacrifices should have been made without some private compensations.* Your conduct car-

* This charge of bribery against a public ambassador, who was intrusted with so important a negotiation as that of concluding a national peace, may probably appear to many readers to be unworthy of so grave an author as Junius. But the following passage from Sir N. Wrexall's Memoirs, when speaking of this very subject, may serve to show that the charge, whether well or ill founded in the present instance, is not so devoid of plausibility as it might at first appear to be. "Similar reflections," says this author, "have been thrown out at different periods of our history, not only upon ministers, but even upon kings. Lord Clarendon, when chancellor under Charles the Second, having, like Lord Bute, undertaken to build a magnificent house in London soon after the sale of Dunkirk to Louis the Fourteenth, about 1664, it was named by the people 'Dunkirk House,' on the supposition of its having been raised by French money. No person can doubt of Charles the Second himself having received large sums from the court of Versailles, for purposes inimical to the interests of his people. So did his successor, James the Second. Bribes were even confidently said and believed to have been given to various of the courtiers or favourites of William the Third, from the East India Company and other corporate bodies, in order to procure the consent or approbation of the sovereign to the renewal of their charters. The Duchess of Kendal, mistress of George the First—as well as Craggs, father of the secretary of state of the same name, and himself, at the time, postmaster general—together with other individuals about the court or person of that monarch, were either known or supposed to have been implicated in the transactions of the memorable South Sea year, 1720, when such immense sums were gained and lost in that ruinous speculation. Lord Bute, at the distance of

ries with it an internal evidence, beyond all the proofs of a court of justice. Even the callous pride of Lord Egremont was alarmed.* He saw and felt his own dishonour in corresponding with you: and there certainly was a moment at which he meant to have resisted, had not a fatal lethargy prevailed

half a century, is still believed to have rendered the treaty of Fontainebleau subservient to his private emolument,—a supposition which was again renewed twenty years later, at the conclusion of the peace of 1785, against Lord Shelburne, with greater virulence and with bolder affirmations.”

But that this accusation was not applicable to the Duke of Bedford is rendered probable at least, by the following statement, which appeared at the time in the *Public Advertiser*, and has been again brought forward by the editor of Woodfall's *Junius*: “After the preliminaries of peace were signed, it was represented to the Duke of Bedford by a gentleman (a Dutch Jew) of great abilities and character, that the East India Company had materially neglected their own interest, as their chief conquests were made subsequent to the period at which they had fixed their claim of sovereignty; and if these latter conquests were to be restored, an immense annual revenue would necessarily be taken from England. The duke, struck with the force of the fact, yet embarrassed how to act, as preliminaries were really signed, repaired to Choiseul, the French minister, and addressed him thus: ‘My lord, I have committed a great mistake in signing the preliminaries, as the affair of the India possessions must be carried down to our last conquest in Asia.’ To this Choiseul replied: ‘Your grace astonishes me: I thought I had been treating with the minister of a great nation, and not with a student in politics, who does not consider the validity of written engagements.’—‘Your reproach, my lord, is just,’ returned the duke; ‘but I will not add treachery to negligence, nor betray my country deliberately, because I have unaccountably overlooked her interest in a single instance: therefore, unless your lordship agrees to concede the latter conquests in India, I shall return home in twelve hours, and submit the fate of my head to the discretion of an English parliament.’ Choiseul, staggered at the duke's intrepidity, complied; and this country now enjoys above half a million annually, through the firmness of a man whom it is even patriotism at present to calumniate, but whose virtues have never yet received justice from the community.”—*Ed.*

* This man, notwithstanding his pride and tory principles, had some English stuff in him. Upon an official letter he wrote to the Duke of Bedford, the duke desired to be recalled, and it was with the utmost difficulty that Lord Bute could appease him.

over his faculties, and carried all sense and memory away with it.

I will not pretend to specify the secret terms on which you were invited to support* an administration which Lord Bute pretended to leave in full possession of their ministerial authority, and perfectly masters of themselves. He was not of a temper to relinquish power, though he retired from employment. Stipulations were certainly made between your grace and him, and certainly violated. After two years' submission, you thought you had collected strength sufficient to control his influence, and that it was your turn to be a tyrant, because you had been a slave. When you found yourself mistaken in your opinion of your gracious master's firmness, disappointment got the better of all your humble discretion, and carried you to an excess of outrage to his person, as distant from true spirit as from all decency and respect.† After robbing him of the rights of a king, you would not permit him to preserve the honour of a gentleman. It was then Lord Weymouth was nominated to Ireland, and despatched (we well remember with what indecent hurry) to plunder the treasury of the first fruits of an employment, which you well knew he was never to execute.‡

This sudden declaration of war against the favourite might have given you a momentary merit with the public, if it had either been adopted upon principle, or maintained with resolution. Without looking back to all your former servility, we need only observe your subsequent conduct, to see upon

* Mr Grenville, Lord Halifax, and Lord Egremont.

† The ministry having endeavoured to exclude the dowager out of the regency bill, the Earl of Bute determined to dismiss them. Upon this the Duke of Bedford demanded an audience of the ———; reproached him in plain terms with his duplicity, baseness, falsehood, treachery, and hypocrisy; repeatedly gave him the lie, and left him in convulsions.

‡ He received three thousand pounds for plate and equipage money.

what motives you acted. Apparently united with Mr Grenville, you waited until Lord Rockingham's feeble administration should dissolve in its own weakness. The moment their dismissal was suspected, the moment you perceived that another system was adopted in the closet, you thought it no disgrace to return to your former dependence, and solicit once more the friendship of Lord Bute. You begged an interview, at which he had spirit enough to treat you with contempt.

It would now be of little use to point out by what a train of weak injudicious measures it became necessary, or was thought so, to call you back to a share in the administration.* The friends whom you did not in the last instance desert, were not of a character to add strength or credit to government : and, at that time, your alliance with the Duke of Grafton was, I presume, hardly foreseen. We must look for other stipulations to account for that sudden resolution of the closet, by which three of your dependants† (whose characters, I think, cannot be less respected than they are) were advanced to offices, through which you might again control the minister, and probably engross the whole direction of affairs.

The possession of absolute power is now once more within your reach. The measures you have taken to obtain and confirm it are too gross to escape the eyes of a discerning, judicious prince. His palace is besieged ; the lines of circumvallation are drawing round him ; and, unless he finds a resource in his own activity, or in the attachment of the real friends of his family, the best of princes must submit to the confinement of a state prisoner, until your grace's death, or some less fortunate

* When Earl Gower was appointed president of the council, the king, with his usual sincerity, assured him, that he had not had one happy moment since the Duke of Bedford left him.

† Lords Gower, Weymouth, and Sandwich.

event, shall raise the siege. For the present, you may safely resume that style of insult and menace which even a private gentleman cannot submit to bear without being contemptible. Mr M'Kenzie's history is not yet forgotten; and you may find precedents enough of the mode in which an imperious subject may signify his pleasure to his sovereign. Where will this gracious monarch look for assistance, when the wretched Grafton could forget his obligations to his master, and desert him for a hollow alliance with such a man as the Duke of Bedford!

Let us consider you, then, as arrived at the summit of worldly greatness; let us suppose that all your plans of avarice and ambition are accomplished, and your most sanguine wishes gratified, in the fear as well as the hatred of the people; can age itself forget that you are now in the last act of life? Can grey hairs make folly venerable? And is there no period to be reserved for meditation and retirement? For shame, my lord! let it not be recorded of you, that the latest moments of your life were dedicated to the same unworthy pursuits, the same busy agitations, in which your youth and manhood were exhausted. Consider that, although you cannot disgrace your former life, you are violating the character of age, and exposing the impotent imbecility, after you have lost the vigour of the passions.

Your friends will ask, perhaps, Whither shall this unhappy old man retire? Can he remain in the metropolis, where his life has been so often threatened, and his palace so often attacked? If he returns to Woburn, scorn and mockery await him. He must create a solitude round his estate, if he would avoid the face of reproach and derision. At Plymouth, his destruction would be more than probable; at Exeter, inevitable. No honest Englishman will ever forget his attachment, nor any honest

Scotchman forgive his treachery, to Lord Bute. At every town he enters, he must change his liveries and name. Whichever way he flies, the *hue and cry* of the country pursue him.

In another kingdom,* indeed, the blessings of his administration have been more sensibly felt; his virtues better understood: or, at worst, they will not, for him alone, forget their hospitality. As well might *Verres* have returned to Sicily. You have twice escaped, my lord; beware of a third experiment. The indignation of a whole people, plundered, insulted, and oppressed, as they have been, will not always be disappointed.

It is in vain, therefore, to shift the scene. You can no more fly from your enemies than from yourself. Persecuted abroad, you look into your own heart for consolation, and find nothing but reproaches and despair. But, my lord, you may quit the field of business, though not the field of danger; and though you cannot be safe, you may cease to be ridiculous. I fear you have listened too long to the advice of those pernicious friends, with whose interests you have sordidly united your own, and for whom you have sacrificed every thing that ought to be dear to a man of honour. They are still base enough to encourage the follies of your age, as they once did the vices of your youth. As little acquainted with the rules of decorum as with the laws of morality, they will not suffer you to profit by experience, nor even to consult the propriety of a bad character. Even now they tell you that life is no more than a dramatic scene, in which the hero should preserve his consistency to the last; and that, as you lived without virtue, you should die without repentance.

JUNIUS.

* Ireland, of which the duke had been lord lieutenant.

LETTER XXIV.

To Junius.

SIR,

September 14, 1769.

HAVING accidentally seen a republication of your Letters, wherein you have been pleased to assert, that I had *sold* the companions of my success, I am again obliged to declare the said assertion to be a most infamous and malicious falsehood; and I again call upon you to stand forth, avow yourself, and prove the charge. If you can make it out to the satisfaction of any one man in the kingdom, I will be content to be thought the worst man in it; if you do not, what must the nation think of you? Party has nothing to do in this affair: you have made a personal attack upon my honour, defamed me by a most vile calumny, which might possibly have sunk into oblivion, had not such uncommon pains been taken to renew and perpetuate this scandal, chiefly because it has been told in good language; for I give you full credit for your elegant diction, well-turned periods, and Attic wit: but wit is oftentimes false, though it may appear brilliant; which is exactly the case of your whole performance. But, sir, I am obliged, in the most serious manner, to accuse you of being guilty of falsities. You have said the thing that is not. To support your story, you have recourse to the following irresistible argument: "You sold the companions of your victory, because, when the 16th regiment was given to *you*, you was *silent*. The conclusion is inevitable." I believe that such deep and acute reasoning could only come from such an extraordinary writer as *Junius*. But, unfortunately for you, the premises, as well as the conclusion, are absolutely false. Many applications have been made to the ministry on the subject of the Manilla

ransom, since the time of my being colonel of that regiment. As I have for some years quitted London, I was obliged to have recourse to the Honourable Colonel Monson, and Sir Samuel Cornish,* to negotiate for me. In the last autumn, I personally delivered a memorial to the Earl of Shelburne, at his seat in Wiltshire. As you have told us of your importance, that you are a person of rank and fortune, and above a common bribe, you may, in all probability, be not unknown to his lordship, who can satisfy you of the truth of what I say. But I shall now take the liberty, sir, to seize your battery, and turn it against yourself. If your puerile and tinsel logic could carry the least weight or conviction with it, how must you stand affected by the inevitable conclusion, as you are pleased to term it? According to *Junius*, silence is guilt. In many of the public papers, you have been called, in the most direct and offensive terms, a liar and a coward. When did you reply to these foul accusations? You have been quite silent, quite chop-fallen: therefore, because you was silent, the nation has a right to pronounce you to be both a liar and a coward, from your own argument. But, sir, I will give you fair play; will afford you an opportunity to wipe off the first appellation, by desiring the proofs of your charge against me. Produce them! To wipe off the last, produce yourself. People cannot bear any longer your lion's skin, and the despicable imposture of the old Roman name which you have affected. For the future, assume the name of some modern† bravo and dark assassin:

* Sir Samuel Cornish commanded the fleet which conveyed the troops that captured Manila; and Colonel Monson was a brother officer of Sir William Draper in that expedition.—*Ed.*

† Was Brutus an ancient bravo and dark assassin? Or does Sir W. D. think it criminal to stab a tyrant to the heart?—*Author.*

Perhaps it would have been more just to have inferred

let your appellation have some affinity to your practice. But if I must perish, *Junius*, let me perish in the face of day : be for once a generous and open enemy. I allow that Gothic appeals to cold iron are no better proofs of a man's honesty and veracity, than hot iron and burning plough-shares are of female chastity ; but a soldier's honour is as delicate as a woman's ; it must not be suspected. You have dared to throw more than a suspicion upon mine : you cannot but know the consequences, which even the meekness of Christianity would pardon me for, after the injury you have done me.

WILLIAM DRAPER.

LETTER XXV.

Hæret lateri lethalis arundo.

To Sir William Draper, Knight of the Bath.

SIR,

September 25, 1769.

AFTER so long an interval, I did not expect to see the debate revived between us. My answer to your last letter shall be short ; for I write to you with reluctance, and I hope we shall now conclude our correspondence for ever.

Had you been originally, and without provocation, attacked by an anonymous writer, you would have some right to demand his name. But in this

from Sir William's words, that he considered the old Roman name to be too good for Junius ; that being, in his estimation, the name of a true patriot, while his unknown antagonist was but a cowardly bravo and dark assassin.

We do not think, however, that Sir William would have at once assented to the proposition, that there was nothing criminal in stabbing a tyrant to the heart.—*Ed.*

cause you are a volunteer. You engaged in it with the unpremeditated gallantry of a soldier. You were content to set your name in opposition to a man who would probably continue in concealment. You understood the terms upon which we were to correspond, and gave at least a tacit assent to them. After voluntarily attacking me under the character of Junius, what possible right have you to know me under any other? Will you forgive me if I insinuate to you, that you foresaw some honour in the apparent spirit of coming forward in person, and that you were not quite indifferent to the display of your literary qualifications?

You cannot but know, that the republication of my Letters was no more than a catch-penny contrivance of a printer,* in which it was impossible I should be concerned, and for which I am no way answerable. At the same time, I wish you to understand, that if I do not take the trouble of reprinting these papers, it is not from any fear of giving offence to Sir William Draper.

Your remarks upon a signature adopted merely for distinction are unworthy of notice: but when you tell me I have submitted to be called a liar and a coward, I must ask you, in my turn, whether you seriously think it any way incumbent on me to take notice of the silly invectives of every simpleton who writes in a newspaper; and what opinion you would have conceived of my discretion, if I had suffered myself to be the dupe of so shallow an artifice?

Your appeal to the sword, though consistent

* The amazing popularity of these Letters, at their first appearance, had induced a printer of the name of Newberry to publish a spurious edition of the first fifteen, under the title of the "Political Contest." It was to counteract the errors of such surreptitious editions, that the author afterwards consented to the publication of a genuine collection of all the letters which he had given to the public under his favourite signature.—*Ed.*

enough with your late profession, will neither prove your innocence nor clear you from suspicion. Your complaints with regard to the Manilla ransom were, for a considerable time, a distress to government. You were appointed (greatly out of your turn) to the command of a regiment; and during that administration we heard no more of Sir William Draper. The facts of which I speak may, indeed, be variously accounted for; but they are too notorious to be denied; and I think you might have learned, at the university, that a false conclusion is an error in argument, not a breach of veracity. Your solicitations, I doubt not, were renewed under another administration. Admitting the fact, I fear an indifferent person would only infer from it, that experience had made you acquainted with the benefits of complaining. Remember, sir, that you have yourself confessed, that, *considering the critical situation of this country, the ministry are in the right to temporize with Spain*. This confession reduces you to an unfortunate dilemma. By renewing your solicitations, you must either mean to force your country into a war at a most unseasonable juncture, or, having no view or expectation of that kind, that you look for nothing but a private compensation to yourself.

As to me, it is by no means necessary that I should be exposed to the resentment of the worst and the most powerful men in this country, though I may be indifferent about yours. Though *you* would fight, there are others who would assassinate.

But, after all, sir, where is the injury? You assure me, that my logic is puerile and tinsel; that it carries not the least weight or conviction; that my premises are false, and my conclusions absurd. If this be a just description of me, how is it possible for such a writer to disturb your peace of mind, or to injure a character so well established as yours? Take care, Sir William, how you indulge this un-

ruly temper, lest the world should suspect that conscience has some share in your resentments. You have more to fear from the treachery of your own passions than from any malevolence of mine.

I believe, sir, you will never know me. A considerable time must certainly elapse before we are personally acquainted. You need not, however, regret the delay, or suffer an apprehension that any length of time can restore you to the Christian meekness of your temper, and disappoint your present indignation. If I understand your character, there is in your own breast a repository, in which your resentments may be safely laid up for future occasions, and preserved without the hazard of diminution.* *The odia in longum jaciens, quæ reconderet, auctaque promeret*, I thought had only belonged to the worst character of antiquity. The text is in Tacitus: you know best where to look for the commentary.

JUNIUS.

* That Junius had somewhat misunderstood the character of Sir William, may perhaps be inferred from a fact which has been currently reported respecting this latter gentleman, namely, that in a conversation which he once had with Boyd, who was himself suspected of being the author of the Letters, Sir William declared, that although he had been hurt by the attacks of Junius, he now considered him to be a very honest fellow, and that there was no man with whom he would be more happy to drink a bottle of old Burgundy. This, it seems, was the knight's favourite drink.

At the same time it must be recollected, that Sir William had suffered severely: and Sir N. Wraxall has asserted, that Sir William is known to have expressed his regret but a short time before his death, that he should leave the world without having ascertained who was the author of the Letters.—Ed.

LETTER XXVI.

A Word at parting to Junius.

* SIR,

October 7, 1769.

As you have not favoured me with either of the explanations demanded of you, I can have nothing more to say to you upon my own account. Your mercy to me, or tenderness for yourself, has been very great. The public will judge of your motives. If your excess of modesty forbids you to produce either the proofs or yourself, I will excuse it. Take courage; I have not the temper of Tiberius, any more than the rank or power. You, indeed, are a tyrant of another sort; and, upon your political bed of torture, can excruciate any subject, from a first minister down to such a grub or butterfly as myself; like another detested tyrant of antiquity, can make the wretched sufferer fit the bed, if the bed will not fit the sufferer, by disjointing or tearing the trembling limbs, until they are stretched to its

* *Measures, and not men*, is the common cant of affected moderation: a base counterfeit language, fabricated by knaves, and made current among fools. Such gentle censure is not fitted to the present degenerate state of society. What does it avail to expose the absurd contrivance, or pernicious tendency of measures, if the man who advises or executes shall be suffered, not only to escape with impunity, but even to preserve his power, and insult us with the favour of his sovereign. I would recommend to the reader the whole of Mr Pope's letter to Doctor Arbuthnot, dated July 26th, 1734, from which the following is an extract: "To reform, and not to chastise, I am afraid, is impossible; and that the best precepts, as well as the best laws, would prove of small use, if there were no examples to enforce them. To attack vices in the abstract, without touching persons, may be safe fighting, indeed, but it is fighting with shadows. My greatest comfort and encouragement to proceed has been to see, that those who have no shame, and no fear of any thing else, have appeared touched by my satires."

extremity. But courage, constancy, and patience, under torments, have sometimes caused the most hardened monsters to relent, and forgive the object of their cruelty. You, sir, are determined to try all that human nature can endure, until she expires; else, was it possible that you could be the author of that most inhuman letter to the Duke of Bedford, which I have read with astonishment and horror? Where, sir, where were the feelings of your own heart, when you could upbraid a most affectionate father with the loss of his only and most amiable son? Read over again those cruel lines of yours, and let them wring your very soul! Cannot political questions be discussed without descending to the most odious personalities? Must you go wantonly out of your way to torment declining age, because the Duke of Bedford may have quarrelled with those whose cause and politics you espouse? For shame! for shame! As you have *spoken daggers* to him, you may justly dread the use of them against your own breast, did a want of courage, or of noble sentiments, stimulate him to such mean revenge. He is above it; he is brave. Do you fancy that your own base arts have infected our whole island? But your own reflections, your own conscience, must, and will, if you have any spark of humanity remaining, give him most ample vengeance. Not all the power of words, with which you are so graced, will ever wash out, or even palliate, this foul blot in your character. I have not time, at present, to dissect your letter so minutely as I could wish; but I will be bold enough to say, that it is (as to reason and argument) the most extraordinary piece of *florid impotence* that was ever imposed upon the eyes and ears of the too credulous and deluded mob. It accuses the Duke of Bedford of high treason. Upon what foundation? You tell us, “the duke’s pecuniary character makes it more than probable that he could not have made

such sacrifices at the peace, without some private compensations ; that his conduct carried with it an interior evidence, beyond all the legal proofs of a court of justice."

My academical education, sir, bids me tell you, that it is necessary to establish the truth of your first proposition, before you presume to draw inferences from it. First prove the avarice, before you make the rash, hasty, and most wicked conclusion. This father, Junius, whom you call avaricious, allowed that son eight thousand pounds a-year. Upon his most unfortunate death, which your usual good-nature took care to remind him of, he greatly increased the jointure of the afflicted lady his widow. Is this avarice? Is this doing good by stealth? It is upon record.

If exact order, method, and true economy, as a master of a family ; if splendour, and just magnificence, without wild waste and thoughtless extravagance, may constitute the character of an avaricious man, the duke is guilty. But, for a moment, let us admit that an ambassador may love money too much ; what proof do you give that he has taken any to betray his country? Is it hearsay, or the evidence of letters, or ocular ; or the evidence of those concerned in this black affair? Produce your authorities to the public. It is a most impudent kind of sorcery, to attempt to blind us with the smoke, without convincing us that the fire has existed. You first brand him with a vice that he is free from, to render him odious and suspected. Suspicion is the foul weapon with which you make all your chief attacks ; with that you stab. But shall one of the first subjects of the realm be ruined in his fame, shall even his life be in constant danger, from a charge built upon such sandy foundations? Must his house be besieged by lawless ruffians, his journies impeded, and even the asylum of an altar be insecure from assertions so base and false? Potent as he

is, the duke is amenable to justice; if guilty, punishable. The parliament is the high and solemn tribunal for matters of such great moment; to that be they submitted. But I hope, also, that some notice will be taken of, and some punishment inflicted upon, false accusers; especially upon such, Junius, who are wilfully false. In any truth I will agree even with Junius; will agree with him that it is highly unbecoming the dignity of peers to tamper with boroughs. Aristocracy is as fatal as democracy. Our constitution admits of neither. It loves a king, lords, and commons really chosen by the unbought suffrages of a free people. But if corruption only shifts hands, if the wealthy commoner gives the bribe instead of the potent peer, is the state better served by this exchange? Is the real emancipation of the borough effected, because new parchment bonds may possibly supersede the old? To say the truth, wherever such practices prevail, they are equally criminal to, and destructive of, our freedom.

The rest of your declamation is scarce worth considering; except for the elegance of the language. Like Hamlet, in the play, you produce two pictures: you tell us, that one is not like the Duke of Bedford; then you bring a most hideous caricature, and tell us of the resemblance; but *multum abludit imago*.

All your long tedious accounts of the ministerial quarrels, and the intrigues of the cabinet, are reducible to a few short lines; and to convince you, sir, that I do not mean to flatter any minister, either past or present, these are my thoughts: they seem to have acted like lovers, or children; have* pouted, quarrelled, cried, kissed, and been friends again, as the objects of desire, the ministerial rattles, have been put into their hands. But such proceedings

* Sir William gives us a pleasant account of men, who, in his opinion at least, are the best qualified to govern an empire.

are very unworthy of the gravity and dignity of a great nation. We do not want men of abilities, but we have wanted steadiness? we want unanimity; your letters, Junius, will not contribute thereto. You may one day expire by a flame of your own kindling. But it is my humble opinion, that lenity and moderation, pardon and oblivion, will disappoint the efforts of all the seditious in the land, and extinguish their wide-spreading fires. I have lived with this sentiment; with this I shall die.

WILLIAM DRAPER.

LETTER XXVII.

To the Printer of the Public Advertiser.

SIR,

October 13, 1769.

IF Sir William Draper's bed be a bed of tortures, he has made it for himself. I shall never interrupt his repose. Having changed the subject, there are parts of his last letter not undeserving of a reply. Leaving his private character and conduct out of the question, I shall consider him merely in the capacity of an author, whose labours certainly do no discredit to a newspaper.

We say, in common discourse, that a man may be his own enemy; and the frequency of the fact makes the expression intelligible. But that a man should be the bitterest enemy of his friends, implies a contradiction of a peculiar nature. There is something in it, which cannot be conceived, without a confusion of ideas, nor expressed, without a solecism in language. Sir William Draper is still that fatal friend Lord Granby found him. Yet, I am ready

to do justice to his generosity ; if, indeed, it be not something more than generous, to be the voluntary advocate of men, who think themselves injured by his assistance, and to consider nothing in the cause he adopts, but the difficulty of defending it. I thought, however, he had been better read in the history of the human heart, than to compare or confound the tortures of the body with those of the mind. He ought to have known, though, perhaps, it might not be his interest to confess,* that no outward tyranny can reach the mind. If conscience plays the tyrant, it would be greatly for the benefit of the world that she were more arbitrary, and far less placable, than some men find her.

But it seems I have outraged the feelings of a father's heart. Am I, indeed, so injudicious ? Does Sir William Draper think I would have hazarded my credit with a generous nation, by so gross a violation of the laws of humanity ? Does he think I am so little acquainted with the first and noblest characteristic of Englishmen ? Or, how will he reconcile such folly with an understanding so full of artifice as mine ? Had he been a father, he would have been but little offended with the severity of the reproach, for his mind would have been filled with the justice of it. He would have seen, that I did not insult the feelings of a father, but the father who felt nothing. He would have trusted to the evidence of his own paternal heart, and boldly denied the possibility of the fact, instead of defending it. Against whom, then, will his honest indignation be directed, when I assure him, that this whole town beheld the Duke of Bedford's conduct, upon the death of his son, with horror and astonishment. Sir William Draper does

* Perhaps Junius meant by this sarcasm to say, that Sir William, as a loyal subject of a Sovereign whom Junius wished to represent as a tyrant, was bound by his interest to applaud submission of every kind.—*Ed.*

himself but little honour in opposing the general sense of his country. The people are seldom wrong in their opinions; in their sentiments they are never mistaken. There may be a vanity, perhaps, in a singular way of thinking: but, when a man professes a want of those feelings, which do honour to the multitude, he hazards something infinitely more important than the character of his understanding. After all, as Sir William may possibly be in earnest in his anxiety for the Duke of Bedford, I should be glad to relieve him from it. He may rest assured, this worthy nobleman laughs, with equal indifference, at my reproaches, and Sir William's distress about him. But here let it stop. Even the Duke of Bedford, insensible as he is, will consult the tranquillity of his life, in not provoking the moderation of my temper. If, from the profoundest contempt, I should ever rise into anger, he should soon find, that all I have already said of him was lenity and compassion.

Out of a long catalogue, Sir William Draper has confined himself to the refutation of two charges only. The rest he had not time to discuss; and, indeed, it would have been a laborious undertaking. To draw up a defence of such a series of enormities would have required a life, at least, as long as that which has been uniformly employed in the practice of them. The public opinion of the Duke of Bedford's extreme economy is, it seems, entirely without foundation. Though not very prodigal abroad, in his own family at least, he is regular and magnificent. He pays his debts, abhors a beggar, and makes a handsome provision for his son. His charity has improved upon the proverb, and ended where it began. Admitting the whole force of this single instance of his domestic generosity (wonderful, indeed, considering the narrowness of his fortune, and the little merit of his only son), the public may still, perhaps, be dissatisfied, and demand

some other less equivocal proofs of his munificence. Sir William Draper should have entered boldly into the detail of indigence relieved, of arts encouraged, of science patronised, men of learning protected, and works of genius rewarded. In short, had there been a single instance, besides Mr Rigby,* of blushing merit, brought forward by the duke for the service of the public, it should not have been omitted.

I wish it were possible to establish my inference with the same certainty on which I believe the principle is founded. My conclusion, however, was not drawn from the principle alone. I am not so unjust as to reason from one crime to another:

* This gentleman is supposed to have the same idea of *blushing*, that a man, blind from his birth, has of scarlet or sky-blue.—*Author*.

As the effrontery of Rigby is a frequent subject of allusion with Junius, the following character of him, from the pen of Sir N. Wraxall, may not be uninteresting:

“Rigby, sole paymaster of the forces, occupied scarcely an inferior place to Jenkinson in the public estimation; as if he had meant to shew that he acted independently of ministers, he never sat on the government side of the House; but he did not on that account give the less unqualified support to administration. When in his place, he was invariably habited in a full-dressed suit of clothes, commonly of a dark or purple colour, without lace or embroidery, close buttoned, with his sword thrust through the pocket. His countenance was very expressive, but not of genius; still less did it indicate timidity or modesty. All the comforts of the pay-office seemed to be eloquently depicted in it; and the *lumen purpureum* which beamed from his features, served as a comment on the text of Junius, when he panegyrises the Duke of Bedford’s solitary protection of ‘blushing merit’ in Mr Rigby’s person.—There was a happy audacity about his forehead, which must have been the gift of Nature: Art could never attain to it by any efforts. He seemed neither to fear, nor even to respect, the House, whose composition he well knew; and to the members of which assembly he never appeared to give credit for any portion of virtue, patriotism, or public spirit. Far from concealing these sentiments, he insinuated, or even pronounced, them without disguise; and from his lips, they neither excited surprise, nor even commonly awakened reprehension.”—*Ed.*

though I think that, of all the vices, avarice is most apt to taint and corrupt the heart. I combined the known temper of the man with the extravagant concessions made by the ambassador; and though I doubt not sufficient care was taken to leave no document of any treasonable negotiation, I still maintain that the conduct* of this minister carries with it an internal and convincing evidence against him. Sir William Draper seems not to know the value or force of such a proof. He will not permit us to judge of the motives of men, by the manifest tendency of their actions, nor by the notorious character of their minds. He calls for papers and witnesses with triumphant security, as if nothing could be true, but what could be proved in a court of justice. Yet a religious man might have remembered upon what foundation some truths, most interesting to mankind, have been received and established. If it were not for the internal evidence which the purest of religions carries with it, what would have become of his once well-quoted decalogue,† and of the meekness of his Christianity.

The generous warmth of his resentment makes him confound the order of events. He forgets, that the insults and distresses which the Duke of Bedford has suffered, and which Sir William has lamented, with many delicate touches of the true pathetic, were only recorded in my letter to his grace, not occasioned by it. It was a simple, candid narrative of facts; though, for aught I know,

* If Sir W. D. will take the trouble of looking into Torcy's Memoirs, he will see with what little ceremony a bribe may be offered to a duke, and with what little ceremony it was *only not accepted*.

† In letter sixth, Sir William says, "I could take the Decalogue, and say to one man, Did you never steal? To the next, Did you never commit murder? And to Junius himself, who is putting my life and conduct to the rack, Did you never bear false witness against thy neighbour?"—*Ed.*

it may carry with it something prophetic. His grace, undoubtedly, has received several ominous hints; and, I think, in certain circumstances, a wise man would do well to prepare himself for the event.

But I have a charge of a heavier nature against Sir William Draper. He tells us, that the Duke of Bedford is amenable to justice; that parliament is a high and solemn tribunal; and that, if guilty, he may be punished by due course of law: and all this he says with as much gravity as if he believed one word of the matter. I hope, indeed, the day of impeachments will arrive before this nobleman escapes out of life; but, to refer us to that mode of proceeding now, with such a ministry, and such a House of Commons as the present, what is it, but an indecent mockery of the common sense of the nation? I think he might have contented himself with defending the greatest enemy, without insulting the distresses of his country.

His concluding declaration of his opinion, with respect to the present condition of affairs, is too loose and undetermined to be of any service to the public. How strange is it that this gentleman should dedicate so much time and argument to the defence of worthless or indifferent characters, while he gives but seven solitary lines to the only subject which can deserve his attention, or do credit to his abilities!

JUNIUS.

LETTER XXVIII.

To the Printer of the Public Advertiser.

SIR,

October 20, 1769.

I VERY sincerely applaud the spirit with which a lady has paid the debt of gratitude to her benefactor.* Though I think she has mistaken the point, she shows a virtue which makes her respectable. The question turned upon the personal generosity or avarice of a man, whose private fortune is immense. The proofs of his munificence must be drawn from the uses to which he has applied that fortune. I was not speaking of a lord lieutenant of Ireland, but of a rich English duke, whose wealth gave him the means of doing as much good in this country as he derived from his power in another. I am far from wishing to lessen the merit of this single benevolent action; perhaps it is the more conspicuous from standing alone. All I mean to say is, that it proves nothing in the present argument.

JUNIUS.

* The lady mentioned in this letter was Mrs Griffiths, author of the sentimental letters of Henry and Francis, in which she is supposed to have narrated the actual distress of her husband and herself. The Duke of Bedford had generously relieved their distress by bestowing an office on the husband; and the lady properly announced to the public this act of generosity, when the duke's character was attacked by Junius.—*Ed.*

LETTER XXIX.*

Addressed to the Printer of the Public Advertiser.

SIR,

October 19, 1769.

I AM well assured that Junius will never descend to a dispute with such a writer as Modestus (whose letter appeared in the *Gazetter* of Monday), especially as the dispute must be chiefly about words. Notwithstanding the partiality of the public, it does not appear that Junius values himself upon any superior skill in composition; and I hope his time will always be more usefully employed than in the trifling refinements of verbal criticism. Modestus, however, shall have no reason to triumph in the silence and moderation of Junius. If he knew as much of the propriety of language, as, I believe, he does of the facts in question, he would have been as cautious of attacking Junius upon his composition, as he seems to be of entering into the subject of it: yet, after all, the last is the only article of any importance to the public.

I do not wonder at the unremitted rancour with which the Duke of Bedford and his adherents invariably speak of a nation, which we well know has been too much injured to be easily forgiven. But why must Junius be an Irishman? *The absurdity of his writings betrays him.* Waiving all consideration of the insult offered by Modestus to the declared judgment of the people (they may well bear this amongst the rest) let us follow the several instances, and try whether the charge be fairly supported.

First, then, the leaving a man to enjoy such a re-

* This letter and the 22d are unique among the productions of Junius. In the latter he lays aside his character of a politician, and appears simply as a logician, pointing out ironically the discrepancy between false argument and facts. In the letter now before us, it is pleasant, by way of variety, to see Junius acting the part of a mere verbal critic.—*Ed.*

pose as he can find upon a bed of torture, is severe indeed ; perhaps too much so, when applied to such a trifler as Sir William Draper ; but there is nothing absurd either in the idea or expression. Modestus cannot distinguish between a sarcasm and a contradiction.

2. I affirm, with Junius, that it is the frequency of the fact which alone can make us comprehend how a man can be his own enemy. We should never arrive at the complex idea conveyed by those words, if we had only seen one or two instances of a man acting to his own prejudice. Offer the proposition to a child, or a man unused to compound his ideas, and you will soon see how little either of them understands you. It is not a simple idea arising from a single fact, but a very complex idea arising from many facts, well observed, and accurately compared.

3. Modestus could not, without great affectation, mistake the meaning of Junius, when he speaks of a man who is the bitterest enemy of his friends. He could not but know, that Junius spoke not of a false or hollow friendship, but of a real intention to serve, and that intention producing the worst effects of enmity. Whether the description be strictly applicable to Sir William Draper, is another question. Junius does not say that it is more criminal for a man to be the enemy of his friends than his own ; though he might have affirmed it with truth. In a moral light, a man may certainly take greater liberties with himself than with another. To sacrifice ourselves merely, is a weakness we may indulge in, if we think proper, for we do it at our own hazard and expense ; but, under the pretence of friendship, to sport with the reputation, or sacrifice the honour, of another, is something worse than weakness ; and if, in favour of the foolish intention, we do not call it a crime, we must allow, at least, that it arises from an overweening, busy, meddling impudence. Junius says

only, and he says truly, that it is more extraordinary; that it involves a greater contradiction than the other; and is it not a maxim received in life, that, in general, we can determine more wisely for others than for ourselves? The reason of it is so clear in argument, that it hardly wants the confirmation of experience. Sir William Draper, I confess, is an exception to the general rule, though not much to his credit.

4. If this gentleman will go back to his ethics, he may, perhaps, discover the truth of what Junius says, *That no outward tyranny can reach the mind*. The tortures of the body may be introduced, by way of ornament or illustration, to represent those of the mind; but, strictly, there is no similitude between them: they are totally different, both in their cause and operation. The wretch who suffers upon the rack is merely passive: but, when the mind is tortured, it is not at the command of any outward power; it is the sense of guilt which constitutes the punishment, and creates that torture with which the guilty mind acts upon itself.

5. He misquotes what Junius says of conscience, and makes the sentence ridiculous, by making it his own.

So much for composition. Now for fact. Junius, it seems, has mistaken the Duke of Bedford. His grace had all the proper feelings of a father, though he took care to suppress the appearance of them. Yet it was an occasion, one would think, on which he need not have been ashamed of his grief; on which less fortitude would have done him more honour. I can conceive, indeed, a benevolent motive for his endeavouring to assume an air of tranquillity in his own family; and I wish I could discover any thing in the rest of his character, to justify my assigning that motive to his behaviour. But is there no medium? Was it necessary to appear abroad, to ballot at the India-House, and make a public display, though it were only of

an apparent insensibility? I know we are treading on tender ground; and Junius, I am convinced, does not wish to urge this question farther. Let the friends of the Duke of Bedford observe that humble silence which becomes their situation. They should recollect, that there are still some facts in store at which human nature would shudder. I shall be understood by those whom it concerns, when I say, that these facts go farther than to the duke.*

It is not inconsistent to suppose, that a man may be quite indifferent about one part of a charge, yet severely stung with another; and though he feels no remorse, that he may wish to be revenged. The charge of insensibility carries a reproach, indeed, but no danger, with it. Junius had said, *There are others who would assassinate.* Modestus, knowing his man, will not suffer the insinuation to be divided, but fixes it all upon the Duke of Bedford.

Without determining upon what evidence Junius would choose to be condemned, I will venture to maintain, in opposition to Modestus, or to Mr Rigby (who is certainly not Modestus) or any of the Bloomsbury gang, that the evidence against the Duke of Bedford is as strong as any presumptive evidence can be. It depends upon a combination of facts and reasoning, which require no confirma-

* Within a fortnight after Lord Tavistock's death, the venerable Gertrude had a rout at Bedford House. The good duke (who had only sixty thousand pounds a-year) ordered an inventory to be taken of his son's wearing apparel down to his slippers, sold them all, and put the money in his pocket. The amiable marchioness, shocked at such brutal, unfeeling avarice, gave the value of the clothes to the marquis's servant out of her own purse. That incomparable woman did not long survive her husband. When she died, the Duchess of Bedford treated her as the duke had treated his only son: she ordered every gown and trinket to be sold, and pocketed the money. These are the monsters whom Sir William Draper comes forward to defend. May God protect me from doing any thing that may require such defence, or deserve such friendship!

tion from the anecdote of the Duke of Marlborough. This anecdote was referred to, merely to show how ready a great man may be to receive a great bribe: and if Modestus could read the original, he would see, that the expression *only not accepted* was probably the only one in our language that exactly fitted the case. The bribe offered to the Duke of Marlborough was not refused.

I cannot conclude without taking notice of this honest gentleman's learning, and wishing he had given us a little more of it. When he accidentally found himself so near speaking truth, it was rather unfair of him to leave out the *non potuisse refelli*. As it stands, the *pudet hæc opprobria* may be divided equally between Mr Rigby and the Duke of Bedford. Mr Rigby, I take for granted, will assert his natural right to the modesty of the quotation, and leave all the opprobrium to his grace.

PHILO JUNIUS.

LETTER XXX.

To the Printer of the Public Advertiser.

SIR,

October 17, 1769.

IT is not wonderful that the great cause* in which this country is engaged should have roused and engrossed the whole attention of the people. I rather admire the generous spirit with which they feel and assert their interest in this important question, than blame them for their indifference about any other. When the constitution is openly invaded, when the

* The right of the people to return their own representative, supposed to have been violated by the rejection of Wilkes and acceptance of Colonel Luttrell.—Ed.

first original right of the people, from which all laws derive their authority, is directly attacked, inferior grievances naturally lose their force, and are suffered to pass by without punishment or observation. The present ministry are as singularly marked by their fortune as their crimes. Instead of atoning for their former conduct by any wise or popular measure, they have found, in the enormity of one fact, a cover and defence for a series of measures which must have been fatal to any other administration. I fear we are too remiss in observing the whole of their proceedings. Struck with the principal figure, we do not sufficiently mark in what manner the canvass is filled up. Yet surely it is not a less crime, nor less fatal in its consequences, to encourage a flagrant breach of the law by a military force, than to make use of the forms of parliament to destroy the constitution.—The ministry seem determined to give us a choice of difficulties, and, if possible, to perplex us with the multitude of their offences. The expedient is worthy of the Duke of Grafton. But though he has preserved a gradation and variety in his measures, we should remember that the principle is uniform. Dictated by the same spirit, they deserve the same attention. The following fact, though of the most alarming nature, has not yet been clearly stated to the public; nor have the consequences of it been sufficiently understood.—Had I taken it up at an earlier period, I should have been accused of an uncandid, malignant precipitation, as if I watched for an unfair advantage against the ministry, and would not allow them a reasonable time to do their duty. They now stand without excuse. Instead of employing the leisure they have had, in a strict examination of the offence, and punishing the offenders, they seem to have considered *that* indulgence as a security to them, that, with a little time and ma-

agement, the whole affair might be buried in silence and utterly forgotten.*

A major general† of the army is arrested by the sheriff's officers for a considerable debt.‡ He persuades them to conduct him to the Tilt-yard, in St James's Park, under some pretence of business which it imported him to settle before he was confined. He applies to a sergeant, not immediatel

* It is seldom that Junius forms a sentence so slightly compacted as this, or that it is necessary for him to signify by particular marks those words which he means should be emphatic.—*Ed.*

† Major general Gansel.

‡ Nothing can exceed the distinctness with which the facts, upon which this and the two following letters are founded, have been stated by Junius himself. For enabling the reader, however, to enter at once upon the perusal of these letters with all the facts in his mind, it may be proper shortly to mention them in this place.

Major general Gansel had been arrested by a sheriff's officer for a debt of two thousand pounds. He proposed to the bailiff that he should conduct him first to the Tilt-yard, where he intended to settle some business before being conducted to prison. On his arrival at the Horse Guards, he applied to a sergeant to procure him a file of musqueteers who might secure the bailiff, by whom he asserted that he had been insulted. This led to a scuffle between the soldiers and the bailiff. Lieutenant Dodd, who was not at the moment on duty, applied to Lieutenant Garth, who was in command, requesting him to send out his guard to relieve a general officer. Lieutenant Garth refused, but Lieutenant Dodd took the responsibility on himself, and, by absolute force, not only effected the rescue of the general, but conducted him in triumph to a place of security.

This is evidently a transaction which was not likely to have occurred but at a time when the country was in a considerably agitated state, or when the minds of men were accustomed to see the civil authority set at naught. There is no doubt, also, that both a civil and military offence had been committed, and that all those who were concerned in the rescue might have been severely punished. But the single light under which Junius contemplates the action, that of the remissness which ministers had shown in bringing the officers to justice; yet perhaps there are few who will think with him, that this remissness on their part proceeded from a wish to conciliate the officers of the guard with the view of ultimately making them the instruments of enslaving the people.—*Ed.*

on duty, to assist, with some of his companions, in favouring his escape. He attempts it. A bustle ensues. The bailiffs claim their prisoner.

An officer of the guards,* not then on duty, takes part in the affair, applies to the lieutenant† commanding the Tilt-yard guard, and urges him to turn out his guard to relieve a general officer. The lieutenant declines interfering in person, but stands at a distance, and suffers the business to be done. The officer takes upon himself to order out the guard. In a moment they are in arms, quit their guard, march, rescue the general, and drive away the sheriff's officers, who in vain represent their right to the prisoner, and the nature of the arrest. The soldiers first conduct the general into the guard room, then escort him to a place of safety, with bayonets fixed, and in all the forms of military triumph. I will not enlarge upon the various circumstances which attended this atrocious proceeding. The personal injury received by the officers of the law, in the execution of their duty, may, perhaps, be atoned for by some private compensation. I consider nothing but the wound which has been given to the law itself, to which no remedy has been applied, no satisfaction made. Neither is it my design to dwell upon the misconduct of the parties concerned, any farther than is necessary to show the behaviour of the ministry in its true light. I would make every compassionate allowance for the infatuation of the prisoner, the false and criminal discretion of one officer, and the madness of another. I would leave the ignorant soldiers entirely out of the question. They are certainly the least guilty; though they are the only persons who have yet suffered, even in the appearance of punishment.‡ The fact itself, however atrocious, is not the prin-

* Lieutenant Dodd.

† Lieutenant Garth.

‡ A few of them were confined.

cipal point to be considered. It might have happened under a more regular government, and with guards better disciplined than ours. The main question is, In what manner have the ministry acted on this extraordinary occasion? A general officer calls upon the king's own guard, then actually on duty, to rescue him from the laws of his country: yet, at this moment, he is in a situation no worse than if he had not committed an offence equally enormous in a civil and military view. A lieutenant upon duty designedly quits his guard, and suffers it to be drawn out by another officer, for a purpose which he well knew (as we may collect from an appearance of caution, which only makes his behaviour the more criminal) to be in the highest degree illegal. Has this gentleman been called to a court martial to answer for his conduct? No. Has it been censured? No. Has it been in any shape inquired into? No. Another lieutenant, not upon duty, nor even in his regimentals, is daring enough to order out the king's guard, over which he had properly no command, and engages them in a violation of the laws of his country, perhaps the most singular and extravagant that ever was attempted. What punishment has he suffered? Literally none. Supposing he should be prosecuted at common law for the rescue; will that circumstance, from which the ministry can derive no merit, excuse or justify their suffering so flagrant a breach of military discipline to pass by unpunished and unnoticed? Are they aware of the outrage offered to their sovereign, when his own proper guard is ordered out to stop, by main force, the execution of the laws? What are we to conclude from so scandalous a neglect of their duty, but that they have other views, which can only be answered by securing the attachment of the guards? The minister would hardly be so cautious of offending

them, if he did not mean, in due time, to call for their assistance.

With respect to the parties themselves, let it be observed, that these gentlemen are neither young officers nor very young men. Had they belonged to the unfledged race of ensigns, who infest our streets, and dishonour our public places, it might, perhaps, be sufficient to send them back to that discipline from which their parents, judging lightly from the maturity of their vices, had removed them too soon. In this case, I am sorry to see, not so much the folly of youths, as the spirit of the corps, and the connivance of government. I do not question that there are many brave and worthy officers in the regiments of guards. But considering them as a corps, I fear it will be found that they are neither good soldiers nor good subjects. Far be it from me to insinuate the most distant reflection upon the army. On the contrary, I honour and esteem the profession; and, if these gentlemen were better soldiers, I am sure they would be better subjects. It is not that there is any internal vice or defect in the profession itself, as regulated in this country, but that it is the spirit of this particular corps to despise their profession: and that, while they vainly assume the lead of the army, they make it matter of impertinent comparison, and triumph over the bravest troops in the world (I mean our marching regiments), that *they*, indeed, stand upon higher ground, and are privileged to neglect the laborious forms of military discipline and duty. Without dwelling longer upon a most invidious subject, I shall leave it to military men, who have seen a service more active than the parade, to determine whether or no I speak truth.

How far this dangerous spirit has been encouraged by government, and to what pernicious purposes it may be applied hereafter, well deserves our most serious consideration. I know, indeed, that,

when this affair happened, an affectation of alarm ran through the ministry. Something must be done to save appearances. The case was too flagrant to be passed by absolutely without notice. But how have they acted? Instead of ordering the officers concerned (and who, strictly speaking, are alone guilty) to be put under arrest, and brought to trial, they would have it understood that they did their duty completely, in confining a sergeant and four private soldiers, until they should be demanded by the civil power: so that while the officers, who ordered or permitted the thing to be done, escaped without censure, the poor men who obeyed these orders, who, in a military view, are no way responsible for what they did, and who, for that reason, have been discharged by the civil magistrates, are the only objects whom the ministry have thought proper to expose to punishment. They did not venture to bring even these men to a court martial, because they knew their evidence would be fatal to some persons whom they were determined to protect; otherwise, I doubt not, the lives of these unhappy, friendless soldiers would long since have been sacrificed without scruple to the security of their guilty officers.

I have been accused of endeavouring to inflame the passions of the people. Let me now appeal to their understanding. If there be any tool of administration daring enough to deny these facts, or shameless enough to defend the conduct of the ministry, let him come forward. I care not under what title he appears. He shall find me ready to maintain the truth of my narrative, and the justice of my observations upon it, at the hazard of my utmost credit with the public.

Under the most arbitrary governments, the common administration of justice is suffered to take its course. The subject, though robbed of his share in the legislature, is still protected by the laws. The political freedom of the English constitution was

once the pride and honour of an Englishman. The civil equality of the laws preserved the property, and defended the safety of the subject. Are these glorious privileges the birthright of the people, or are we only tenants at the will of the ministry? But that I know there is a spirit of resistance in the hearts of my countrymen; that they value life, not by its conveniences, but by the independence and dignity of their condition; I should, at this moment, appeal only to their discretion. I should persuade them to banish from their minds all memory of what we were; I should tell them this is not a time to remember that we were Englishmen; and give it as my last advice, to make some early agreement with the minister, that, since it has pleased him to rob us of those political rights which once distinguished the inhabitants of a country where honour was happiness, he would leave us at least the humble, obedient security of citizens, and graciously condescend to protect us in our submission.

JUNIUS.

LETTER XXXI.

To the Printer of the Public Advertiser.

SIR,

November 14, 1769.

THE variety of remarks which have been made upon the last letter of Junius, and my own opinion of the writer, who, whatever may be his faults, is certainly not a weak man, have induced me to examine, with some attention, the subject of that letter. I could not persuade myself, that, while he had plenty of important materials, he would have taken up a light or trifling occasion to attack the ministry; much less could I conceive, that it was

his intention to ruin the officers concerned in the rescue of General Gansel, or to injure the general himself. These are little objects, and can no way contribute to the great purposes he seems to have in view, by addressing himself to the public. Without considering the ornamented style he has adopted, I determined to look farther into the matter, before I decided upon the merits of his letter. The first step I took was to inquire into the truth of the facts; for, if these were either false or misrepresented, the most artful exertion of his understanding, in reasoning upon them, would only be a disgrace to him. Now, sir, I have found every circumstance stated by Junius to be literally true.—General Gansel persuaded the bailiffs to conduct him to the parade, and certainly solicited a corporal, and other soldiers, to assist him in making his escape. Captain Dodd did certainly apply to Captain Garth for the assistance of his guard. Captain Garth declined appearing himself, but stood aloof, while the other took upon him to order out the king's guard, and by main force rescued the general. It is also strictly true, that the general was escorted by a file of musqueteers to a place of security. These are facts, Mr Woodfall, which I promise you no gentleman in the guards will deny. If all or any of them are false, why are they not contradicted by the parties themselves? However secure against military censure, they have yet a character to lose; and, surely, if they are innocent, it is not beneath them to pay some attention to the opinion of the public.

The force of Junius's observations upon these facts cannot be better marked, than by stating and refuting the objections which have been made to them. One writer says, "Admitting the officers have offended, they are punishable at common law; and will you have a British subject punished twice for the same offence?" I answer, that they have

committed two offences, both very enormous, and violated two laws. The rescue is one offence, the flagrant breach of discipline another ; and hitherto it does not appear that they have been punished, or even censured for either. Another gentleman lays much stress upon the calamity of the case ; and, instead of disproving facts, appeals at once to the compassion of the public. This idea, as well as the insinuation, that *depriving the parties of their commissions would be an injury to their creditors*, can only refer to General Gansel. The other officers are in no distress ; therefore, have no claim to compassion ; nor does it appear that their creditors, if they have any, are more likely to be satisfied by their continuing in the guards. But this sort of plea will not hold in any shape. Compassion to an offender, who has grossly violated the laws, is, in effect, a cruelty to the peaceable subject who has observed them : and, even admitting the force of any alleviating circumstances, it is nevertheless true, that, in this instance, the royal compassion has interposed too soon. The legal and proper mercy of a king of England may remit the punishment, but ought not to stop the trial.

Besides these particular objections, there has been a cry raised against Junius, for his malice and injustice in attacking the ministry upon an event which they could neither hinder nor foresee. This, I must affirm, is a false representation of his argument. He lays no stress upon the event itself, as a ground of accusation against the ministry, but dwells entirely upon their subsequent conduct. He does not say that they are answerable for the offence, but for the scandalous neglect of their duty, in suffering an offence so flagrant to pass by without notice or inquiry. Supposing them ever so regardless of what they owe to the public, and as indifferent about the opinion, as they are about the interests of their country, what answer, as officers of

the crown, will they give to Junius, when he asks them, *Are they aware of the outrage offered to their sovereign, when his own proper guard is ordered out to stop, by main force, the execution of the laws?* And when we see a ministry giving such a strange, unaccountable protection to the officers of the guards, is it unfair to suspect that they have some secret and unwarrantable motives for their conduct? If they feel themselves injured by such a suspicion, why do they not immediately clear themselves from it by doing their duty? For the honour of the guards, I cannot help expressing another suspicion, that if the commanding officer had not received a secret injunction to the contrary, he would, in the ordinary course of his business, have applied for a court martial to try the two sub-alterns; the one for quitting his guard, the other for taking upon him the command of the guard, and employing it in the manner he did. I do not mean to enter into, or defend, the severity with which Junius treats the guards. On the contrary, I will suppose, for a moment, that they deserve a very different character. If this be true, in what light will they consider the conduct of the two sub-alterns, but as a general reproach and disgrace to the whole corps? And will they not wish to see them censured, in a military way, if it were only for the credit and discipline of the regiment?

Upon the whole, sir, the ministry seem to me to have taken a very improper advantage of the goodness of the public, whose humanity, they found, considered nothing in this affair but the distress of General Gansel. They would persuade us, that it was only a common rescue by a few disorderly soldiers, and not the formal, deliberate act of the king's guard, headed by an officer; and the public has fallen into the deception. I think, therefore, we are obliged to Junius for the care he has taken to inquire into the facts, and for the just commentary

with which he has given them to the world. For my own part, I am as unwilling as any man to load the unfortunate; but really, sir, the precedent, with respect to the guards, is of a most important nature, and alarming enough (considering the consequences with which it may be attended) to deserve a parliamentary inquiry. When the guards are daring enough, not only to violate their own discipline, but publicly, and with the most atrocious violence, to stop the execution of the laws, and when such extraordinary offences pass with impunity, believe me, sir, the precedent strikes deep.

PHILO JUNIUS.

LETTER XXXII.

To the Printer of the Public Advertiser.

SIR,

November 15, 1769.

I ADMIT the claim of a gentleman, who publishes in the *Gazetteer* under the name of Modestus. He has some right to expect an answer from me; though, I think, not so much from the merit or importance of his objections, as from my own voluntary engagement. I had a reason for not taking notice of him sooner, which, as he is a candid person, I believe, he will think sufficient. In my first letter, I took it for granted, from the time which had elapsed, that there was no intention to censure, or even to try, the persons concerned in the rescue of General Gansel: but Modestus having since either affirmed, or strongly insinuated, that the offenders might still be brought to a legal trial, any attempt to prejudge the cause, or to prejudice the minds of a jury, or a court-martial, would be highly improper.

A man more hostile to the ministry than I am,

received Mr Vaughan's proposals, I confess I give you some credit for your discretion. You had a fair opportunity of displaying a certain delicacy, of which you had not been suspected, and you were in the right to make use of it. By laying in a moderate stock of reputation, you undoubtedly meant to provide for the future necessities of your character, that, with an honourable resistance upon record, you might safely indulge your genius, and yield to a favourite inclination with security. But you have discovered your purposes too soon; and, instead of the modest reserve of virtue, have shown us the termagant chastity of a prude, who gratifies her passions with distinction, and prosecutes one lover for a rape, while she solicits the lewd embraces of another.

Your cheek turns pale: for a guilty conscience tells you, you are undone. Come forward, thou virtuous minister, and tell the world by what interest Mr Hine has been recommended to so extraordinary a mark of his majesty's favour; what was the price of the patent he has bought, and to what honourable purpose the purchase-money has been applied. Nothing less than many thousands could pay Colonel Burgoyne's expenses at Preston.* Do

secution, that Mr Vaughan had been a very zealous partisan of the popular party.

While this prosecution, however, was pending, it seems that an office in the customs at Exeter had become vacant. It was given to Colonel Burgoyne, to remunerate him, as Junius maintains, for the expenses he had incurred in maintaining the contest for the borough of Preston as ministerial candidate. The colonel accepted the gross sum of L.4000 for this office from Mr Hine; and Junius therefore maintained, that the Duke of Grafton had actually sold the office. It is not pretended that the duke had received money for it; but Junius supports his proposition, by maintaining, that the ministry wanted some means of remunerating the colonel for his support, and that this was the method they adopted for that purpose.—*Ed.*

* Colonel Burgoyne had expended L.10,000 in supporting the contest, on the side of government, for Preston.

you dare to prosecute such a creature as Vaughan, while you are basely setting up the royal patronage to auction? Do you dare to complain of an attack upon your own honour, while you are selling the favours of the crown, to raise a fund for corrupting the morals of the people? And do you think it is possible such enormities should escape without impeachment? It is, indeed, highly your interest to maintain the present House of Commons. Having sold the nation to you in gross, they will undoubtedly protect you in the detail; for, while they patronise your crimes, they feel for their own.

JUNIUS.

LETTER XXXIV.

To his Grace the Duke of Grafton.

MY LORD,

December 12, 1769.

I FIND, with some surprise, that you are not supported as you deserve. Your most determined advocates have scruples about them, which you are unacquainted with; and though there be nothing too hazardous for your grace to engage in, there are some things too infamous for the vilest prostitute of a newspaper to defend.* In what other manner shall we account for the profound, submissive si-

Great excesses, it seems, were committed during the election; and the colonel having afterwards been prosecuted for his riot, was fined by the court of King's Bench, in the sum of L.1000. This transaction is more fully alluded to in the 34th letter.—*Ed.*

* From the publication of the preceding to this date, not one word was said in defence of the Duke of Grafton. But vice and impudence soon recovered themselves, and the sale of the royal favour was openly avowed and defended. We acknowledge the piety of St James's, but what is become of its morality?

lence which you and your friends have observed upon a charge which called immediately for the clearest refutation, and would have justified the severest measures of resentment? I did not attempt to blast your character by an indirect, ambiguous insinuation; but candidly stated to you a plain fact, which struck directly at the integrity of a privy-counsellor, of a first commissioner of the treasury, and of a leading minister, who is supposed to enjoy the first share in his majesty's confidence.* In every one of these capacities I employed the most moderate terms to charge you with treachery to your sovereign, and breach of trust in your office. I accused you of having sold a patent place in the collection of the customs at Exeter to one Mr Hine, who, unable, or unwilling, to deposite the whole purchase-money himself, raised part of it by contribution, and has now a certain Doctor Brooke quartered upon the salary for one hundred pounds a-year. No sale by the candle was ever conducted with greater formality. I affirm, that the price at which the place was knocked down (and which, I have good reason to think, was not less than three thousand five hundred pounds) was, with your connivance and consent, paid to Colonel Burgoyne, to reward him, I presume, for the decency of his deportment at Preston; or to reimburse him, perhaps, for the fine of one thousand pounds, which, for that very deportment, the court of King's Bench thought proper to set upon him. It is not often that the chief justice and the prime minister are so strangely at variance in their opinions of men and things.

I thank God, there is not in human nature a degree of impudence daring enough to deny the charge I have fixed upon you. Your courteous secretary,†

* And by the same means preserves it to this hour.

† Tommy Bradshaw.

your confidential architect,* are silent as the grave. Even Mr Rigby's countenance fails him. He violates his second nature, and blushes whenever he speaks of you. Perhaps the noble colonel himself will relieve you. No man is more tender of his reputation. He is not only nice, but perfectly sore, in every thing that touches his honour. If any man, for example, were to accuse him of taking his stand at a gaming-table, and watching, with the soberest attention, for a fair opportunity of engaging a drunken young nobleman at piquet, he would, undoubtedly, consider it as an infamous aspersion upon his character, and resent it like a man of honour. Acquitting him, therefore, of drawing a regular and splendid subsistence from any unworthy practices, either in his own house, or elsewhere, let me ask your grace, for what military merits you have been pleased to reward him with military government? He had a regiment of dragoons, which, one would imagine, was at least an equivalent for any services he ever performed. Besides, he is but a young officer, considering his preferment; and, except in his activity at Preston, not very conspicuous in his profession. But it seems the sale of a civil employment was not sufficient; and military governments, which were intended for the support of worn-out veterans, must be thrown into the scale, to defray the extensive bribery of a contested election. Are these the steps you take to secure to your sovereign the attachment of his army? With what countenance dare you appear in the royal presence, branded, as you are, with the infamy of a notorious breach of trust? With what countenance can you take your seat at the treasury-board, or in the council, when you feel that every circulating whisper is at your expense alone, and

* Mr Taylor. He and George Ross (the Scotch agent and worthy confidant of Lord Mansfield) managed the business.

stabs you to the heart? Have you a single friend in parliament so shameless, so thoroughly abandoned, as to undertake your defence? You know, my lord, that there is not a man in either House, whose character, however flagitious, would not be ruined by mixing his reputation with yours: and does not your heart inform you that you are degraded below the condition of a man, when you are obliged to bear these insults with submission, and even to thank me for my moderation?

We are told, by the highest judicial authority, that Mr Vaughan's* offer to purchase the reversion

* A little before the publication of this, and the preceding letter, the Duke of Grafton had commenced a prosecution against Mr Samuel Vaughan, for endeavouring to corrupt his integrity, by an offer of five thousand pounds for a patent place in Jamaica. A rule to show cause why an information should not be exhibited against Vaughan for certain misdemeanors, being granted by the court of King's Bench, the matter was solemnly argued on the 27th of November 1769, and by the unanimous opinion of the four judges, the rule was made absolute. "The pleadings and speeches were accurately taken in short-hand, and published. The whole of Lord Mansfield's speech, and particularly the following extracts from it, deserves the reader's attention. "A practice of the kind, complained of here, is certainly dishonourable and scandalous. If a man, standing under the relation of an officer under the king, or of a person in whom the king puts confidence, or of a minister, takes money for the use of that confidence the king puts in him, he basely betrays the king; he basely betrays his trust. If the king sold the office, it would be acting contrary to the trust the constitution hath reposed in him. The constitution does not intend the crown should sell those offices to raise a revenue out of them. Is it possible to hesitate, whether this would not be criminal in the Duke of Grafton; contrary to his duty as a privy-counsellor, contrary to his duty as a minister, contrary to his duty as a subject? His advice should be free, according to his judgment. It is the duty of his office; he hath sworn to it." Notwithstanding all this, the Duke of Grafton certainly sold a patent place to Mr Hine for three thousand five hundred pounds. If the House of Commons had done their duty, and impeached the duke for this breach of trust, how wofully must poor honest Mansfield have been puzzled! His embarrassment would have afforded the most ridiculous scene that was ever exhibited. To save the judge from this perplexity, and the duke from impeachment, the prosecution against Vaughan was immediately dropped.

of a patent place in Jamaica (which he was otherwise sufficiently entitled to) amounts to a high misdemeanor. Be it so : and if he deserves it, let him be punished. But the learned judge might have had a fairer opportunity of displaying the powers of his eloquence. Having delivered himself, with so much energy, upon the criminal nature and dangerous consequences of any attempt to corrupt a man in your grace's station, what would he have said to the minister himself, to that very privy counsellor, to that first commissioner of the treasury, who does not wait for, but impatiently solicits, the touch of corruption ; who employs the meanest of his creatures in these honourable services ; and, forgetting the genius and fidelity of his secretary, descends to apply to his house-builder for assistance ?

This affair, my lord, will do infinite credit to government, if, to clear your character, you should think proper to bring it into the House of Lords, or into the court of King's Bench. But, my lord, you dare not do either.

JUNIUS.

LETTER XXXV.*

To the Printer of the Public Advertiser.

SIR,

December 19, 1769.

WHEN the complaints of a brave and powerful people are observed to increase in proportion to the wrongs they have suffered ; when, instead of sink-

* This is the celebrated letter to the king,—the most remarkable political address perhaps that ever was published. The impression which it made upon the public mind, or, perhaps, we should rather say, the astonishing avidity with which it was perused, is universally known, and the importance which the author himself, by anticipation, attached to it, is evinced by his having previously addressed the following

ing into submission, they are roused to resistance, the time will soon arrive, at which every inferior consideration must yield to the security of the sovereign, and to the general safety of the state. There is a moment of difficulty and danger, at which flattery and falsehood can no longer deceive, and simplicity itself can no longer be misled. Let us suppose it arrived : let us suppose a gracious, well-intentioned prince made sensible, at last, of the great duty he owes to his people, and of his own disgraceful situation ; that he looks round him for assistance, and asks for no advice, but how to gratify the wishes and secure the happiness of his subjects. In these circumstances, it may be matter of curious *speculation* to consider, if an honest man were per-

letter, announcing it to his printer: " I am now meditating a capital, and, I hope, a final piece."

The plan of the letter may easily be discovered ; it contains, in the *first* place, a review of the leading incidents which contributed to render the first years of the reign of his late majesty so unpopular,—which incidents correspond with those stated in the preliminary essay to this edition of the Letters. It then proceeds to take a view of the different portions of the empire, as they were respectively affected by these discontents ; and it concludes with an advice to the king to remove their causes—by dissolving the parliament—by giving up the oppositionists of Wilkes—by discarding his ministers and favourites—by courting, particularly, his English subjects—and by confessing himself to have been hitherto engaged in an erroneous system of political conduct.

The tone in which the letter is written is neither so sarcastic, nor so fierce, as some of those that occur in the series. It is rather the language of a man who considered himself to be addressing a great personage whom he knew to be in an error, and who believed himself to have a right to offer his advice. And though the general tone of the letter is in the highest degree reprehensible, it ought, however, in extenuation of the crime of the author, to be recollected, that at the time when this letter was written, the king was really far from being popular ; and that he was believed to have been guilty of all the errors which are here attributed to him. A similar letter, during the latter years of his majesty's reign, when the true excellence of his character was not only understood, but acknowledged by all classes of his subjects, would not have been endured.—*Ed.*

mitted to approach a king, in what terms he would address himself to his sovereign. Let it be imagined, no matter how improbable, that the first prejudice against his character is removed; that the ceremonious difficulties of an audience are surmounted; that he feels himself animated by the purest and most honourable affections to his king and country; and that the great person whom he addresses, has spirit enough to bid him speak freely, and understanding enough to listen to him with attention. Unacquainted with the vain impertinence of forms, he would deliver his sentiments with dignity and firmness, but not without respect.

SIR,—It is the misfortune of your life, and originally the cause of every reproach and distress which has attended your government, that you should never have been acquainted with the language of truth, until you heard it in the complaints of your people. It is not, however, too late to correct the error of your education. We are still inclined to make an indulgent allowance for the pernicious lessons you received in your youth, and to form the most sanguine hopes from the natural benevolence of your disposition.* We are far from

* The plan of the tutelage and future dominion over the heir apparent, laid many years ago, at Carlton-House, between the princess dowager and her favourite, the Earl of Bute, was as gross and palpable as that which was concerted between Ann of Austria and Cardinal Mazarine, to govern Louis XIV. and, in effect, to prolong his minority until the end of their lives. That prince had strong natural parts, and used frequently to blush for his own ignorance and want of education, which had been wilfully neglected by his mother and her minion. A little experience, however, soon showed him how shamefully he had been treated, and for what infamous purposes he had been kept in ignorance. Our great Edward, too, at an early period, had sense enough to understand the nature of the connexion between his abandoned mother and the detested Mortimer. But, since that time, human nature, we may observe, is greatly altered for the better. Dowagers may be chaste, and minions may be

thinking you capable of a direct, deliberate purpose to invade those original rights of your subjects, on which all their civil and political liberties depend. Had it been possible for us to entertain a suspicion so dishonourable to your character, we should long since have adopted a style of remonstrance very distant from the humility of complaint. The doctrine inculcated by our laws, *That the king can do no wrong*, is admitted without reluctance. We separate the amiable, good-natured prince from the folly and treachery of his servants, and the private virtues of the man from the vices of his government. Were it not for this just distinction, I know not whether your majesty's condition, or that of the English nation, would deserve most to be lamented. I would prepare your mind for a favourable reception of truth by removing every painful, offensive idea of personal reproach. Your subjects, sir, wish for nothing, but that, as *they* are reasonable and affectionate enough to separate your person from your government, so *you*, in your turn, should distinguish between the conduct which becomes the permanent dignity of a king, and that which serves only to promote the temporary interest and miserable ambition of a minister.

You ascended the throne with a declared, and, I doubt not, a sincere resolution of giving universal satisfaction to your subjects. You found them pleased with the novelty of a young prince, whose countenance promised even more than his words; and loyal to you, not only from principle, but pas-

honest. When it was proposed to settle the present king's household, as Prince of Wales, it is well known that the Earl of Bute was forced into it, in direct contradiction to the late king's inclination. That was the salient point from which all the mischiefs and disgraces of the present reign took life and motion. From that moment, Lord Bute never suffered the Prince of Wales to be an instant out of his sight. We need not look farther.

sion. It was not a cold profession of allegiance to the first magistrate, but a partial, animated attachment to a favourite prince, the native of their country. They did not wait to examine your conduct, nor to be determined by experience, but gave you a generous credit for the future blessings of your reign, and paid you in advance the dearest tribute of their affections. Such, sir, was once the disposition of a people, who now surround your throne with reproaches and complaints.—Do justice to yourself. Banish from your mind those unworthy opinions, with which some interested persons have laboured to possess you.—Distrust the men who tell you that the English are naturally light and inconstant; that they complain without a cause. Withdraw your confidence equally from all parties; from ministers, favourites, and relations; and let there be one moment in your life in which you have consulted your own understanding.*

When you affectedly† renounced the name of Englishman, believe me, sir, you were persuaded to pay a very ill-judged compliment to one part of your subjects, at the expense of another. While the natives of Scotland are not in actual rebellion, they are undoubtedly entitled to protection: nor do I mean to condemn the policy of giving some en-

* It may safely be maintained, that no man or sovereign ever displayed a more fearless or determined confidence in the dictates of his own understanding, during many of the most trying circumstances in which a king was ever placed.—*Ed.*

† The meaning of this sentence does not seem to have been well understood. By some editors it has been supposed to allude chiefly to the connexion which the king had formed “with Lord Bute and his immediate friends;” but a more careful study of the passage will show that the author alludes to the king having styled himself, in his introductory speech from the throne, “a Briton,” as if he intended, insinuates the author, by adopting this more general appellation, to renounce *the name* which should have been dearest to him, that of an *Englishman*.—*Ed.*

couragement to the novelty of their affections for the house of Hanover. I am ready to hope for every thing from their new-born zeal, and from the future steadiness of their allegiance; but, hitherto, they have no claim to your favour. To honour them with a determined predilection and confidence, in exclusion of your English subjects, who placed your family, and, in spite of treachery and rebellion, have supported it upon the throne, is a mistake too gross even for the unsuspecting generosity of youth. In this error we see a capital violation of the most obvious rules of policy and prudence. We trace it, however, to an original bias in your education, and are ready to allow for your inexperience.

To the same early influence we attribute it, that you have descended to take a share, not only in the narrow views and interests of particular persons, but in the fatal malignity of their passions. At your accession to the throne, the whole system of government was altered, not from wisdom or deliberation, but because it had been adopted by your predecessor. A little personal motive of pique and resentment was sufficient to remove the ablest servants of the crown;* but it is not in this country, sir, that such men can be dishonoured by the frowns of a king. They were dismissed, but could not be disgraced. Without entering into a minuter discussion of the merits of the peace,† we may observe, in the imprudent hurry with which the first overtures from France were accepted, in the con-

* One of the first acts of the present reign was to dismiss Mr Legge, because he had, some years before, refused to yield his interest in Hampshire to a Scotchman, recommended by Lord Bute. This was the reason publicly assigned by his lordship.

† Having noticed his majesty's partiality for Lord Bute, and his dismissal of Mr Legge, as causes of discontent, our author proceeds to consider the peace of 1763 as the next source of the same evil.—*Ed.*

duct of the negotiation, and terms of the treaty, the strongest marks of that precipitate spirit of concession, with which a certain part of your subjects have been at all times ready to purchase a peace with the natural enemies of this country. On *your* part we are satisfied that every thing was honourable and sincere; and, if England was sold to France, we doubt not that your majesty was equally betrayed. The conditions of the peace were matter of grief and surprise to your subjects, but not the immediate cause of their present discontent.

Hitherto, sir, you have been sacrificed to the prejudices and passions of others. With what firmness will you bear the mention of your own?

A man,* not very honourably distinguished in the world, commences a formal attack upon your favourite, considering nothing but how he might best expose his person and principles to detestation, and the national character of his countrymen to contempt. The natives of that country, sir, are as much distinguished by a peculiar character as by your majesty's favour. Like another chosen people, they have been conducted into the land of plenty, where they find themselves effectually marked, and divided from mankind. There is hardly a period at which the most irregular character may not be redeemed. The mistakes of one sex find a retreat in patriotism, those of the other in devotion. Mr Wilkes brought with him into politics the same liberal sentiments by which his private conduct had been directed; and seemed to think, that, as there are few excesses in which an English gentleman may not be permitted to indulge, the same latitude was allowed him in the choice of his political principles, and in the spirit of maintaining

* The opposition given to Wilkes is the next source, according to our author, of the discontents of the kingdom at that time.—*Ed.*

them. I mean to state, not entirely to defend, his conduct. In the earnestness of his zeal, he suffered some unwarrantable insinuations to escape him. He said more than moderate men would justify; but not enough to entitle him to the honour of your majesty's personal resentment. The rays of royal indignation, collected upon him, served only to illuminate, and could not consume. Animated by the favour of the people on the one side, and heated by persecution on the other, his views and sentiments changed with his situation. Hardly serious at first, he is now an enthusiast. The coldest bodies warm with opposition, the hardest sparkle in collision.—There is a holy mistaken zeal in politics as well as religion. By persuading others, we convince ourselves. The passions are engaged, and create a maternal affection in the mind, which forces us to love the cause for which we suffer. Is this a contention worthy of a king? Are you not sensible how much the meanness of the cause gives an air of ridicule to the serious difficulties into which you have been betrayed? The destruction of one man has been now, for many years, the sole object of your government; and, if there can be any thing still more disgraceful, we have seen for such an object the utmost influence of the executive power, and every ministerial artifice, exerted without success. Nor can you ever succeed, unless he should be imprudent enough to forfeit the protection of those laws to which you owe your crown; or, unless your minister should persuade you to make it a question of force alone, and try the whole strength of government in opposition to the people. The lessons he has received from experience will probably guard him from such excess of folly; and, in your majesty's virtues, we find an unquestionable assurance, that no illegal violence will be attempted.

Far from suspecting you of so horrible a design,

we would attribute this continued violation of the laws, and even the last enormous attack upon the vital principles of the constitution, to an ill-advised, unworthy, personal resentment.* From one false step you have been betrayed into another; and, as the cause was unworthy of you, your ministers were determined that the prudence of the execution should correspond with the wisdom and dignity of the design. They have reduced you to the necessity of choosing out of a variety of difficulties; to a situation so unhappy, that you can neither do wrong without ruin, nor right without affliction. These worthy servants have undoubtedly given you many singular proofs of their abilities. Not contented with making Mr Wilkes a man of importance, they have judiciously transferred the question from the rights and interests of one man to the most important rights and interests of the people;† and forced your subjects, from wishing well to the cause of an individual, to unite with him in their own. Let them proceed as they have begun, and your majesty need not doubt that the catastrophe will do no dishonour to the conduct of the piece.

The circumstances to which you are reduced will not admit of a compromise with the English nation. Undecisive, qualifying measures will disgrace your government still more than open violence; and, without satisfying the people, will excite their contempt. They have too much understanding and spirit to accept of an indirect satisfaction for a direct injury. Nothing less than a repeal,‡ as for-

* For the pointed attacks made on the royal character itself by Wilkes.—*Ed.*

† The right of the people to choose their own representatives having been considered as violated by the proceedings in the case of Wilkes.—*Ed.*

‡ The repeal of the vote incapacitating Wilkes was afterwards obtained when Lord North gave up the reins of government.

The object of the author, in the following part of this para-

nal as the resolution itself, can heal the wound which has been given to the constitution, nor will any thing less be accepted. I can readily believe, that there is an influence sufficient to recall that pernicious vote. The House of Commons undoubtedly consider their duty to the crown as paramount to all other obligations. To us they are only indebted for an accidental existence, and have justly transferred their gratitude from their parents to their benefactors ; from those who gave them birth, to the minister from whose benevolence they derive the comforts and pleasures of their political life ; who has taken the tenderest care of their infancy, and relieves their necessities, without offending their delicacy.—But if it were possible for their integrity to be degraded to a condition so vile and abject, that, compared with it, the present estimation they stand in is a state of honour and respect, consider, sir, in what manner you will afterwards proceed. Can you conceive that the people of this country will long submit to be governed by so flexible a House of Commons ? It is not in the nature of human society that any form of government, in such circumstances, can long be preserved. In ours, the general contempt of the people is as fatal as their detestation. Such, I am persuaded, would be the necessary effect of any base concession made by the present House of Commons ; and, as a qualifying measure would not be accepted, it remains for you to decide, whether you will, at any hazard, support a set of men who have reduced you to this unhappy dilemma, or whether you will gratify the united wishes of the whole people of England, by dissolving the parliament.

graph, is to state, that the House of Commons which then sat could not alter their decision without exposing themselves to the contempt of the nation ; and that the only method, therefore, of delivering them and the king from so unpleasant a situation was by dissolving them.—*Ed.*

Taking it for granted, as I do very sincerely, that you have personally no design against the constitution, nor any view, inconsistent with the good of your subjects, I think you cannot hesitate long upon the choice which it equally concerns your interests and your honour to adopt. On one side, you hazard the affection of all your English subjects; you relinquish every hope of repose to yourself, and you endanger the establishment of your family for ever. All this you venture for no object whatsoever; or for such an object as it would be an affront to you to name. Men of sense will examine your conduct with suspicion; while those, who are incapable of comprehending to what degree they are injured, afflict you with clamours equally insolent and unmeaning. Supposing it possible that no fatal struggle should ensue, you determine at once to be unhappy, without the hope of a compensation, either from interest or ambition. If an English king be hated or despised, he *must* be unhappy: and this, perhaps, is the only political truth which he ought to be convinced of, without experiment. But, if the English people should no longer confine their resentment to a submissive representation of their wrongs; if, following the glorious example of their ancestors, they should no longer appeal to the creature* of the constitution, but to that high Being who gave them the rights of humanity, whose gifts it were sacrilege to surrender, let me ask you, sir, upon what part of your subjects would you rely for assistance?

The people of Ireland have been uniformly plundered and oppressed. In return, they give you every day fresh marks of their resentment. They despise the miserable governor† you have sent

* That is, to the king himself.—*Ed.*

† Viscount Townshend, sent over on the plan of being resident governor. The history of this ridiculous administration shall not be lost to the public.—*Author.*

Yet this is the nobleman of whom Glover, in his Me-

them, because he is the creature of Lord Bute : nor is it from any natural confusion in their ideas, that they are so ready to confound the original of a king with the disgraceful representation of him.

The distance of the colonies would make it impossible for them to take an active concern in your affairs, if they were as well affected to your government as they once pretended to be to your person. They were ready enough to distinguish between you and your ministers. They complained of an act of the legislature, but traced the origin of it no higher than to the servants of the crown : they pleased themselves with the hope that their sovereign, if not favourable to their cause, at least was impartial. The decisive personal part you took against them has effectually banished that first distinction from their minds.* They consider you as united with your servants against America ; and know how to distinguish the sovereign and a venal parliament on one side, from the real sentiments of the English people on the other. Looking forward to independence, they might possibly receive you for their king ; but, if ever you retire to America, be assured they will give you such a covenant to digest as the presbytery of Scotland would have been ashamed to offer to Charles the Second. They left their native land in search of freedom, and

moirs, has drawn a very beautiful character, and whom he has described as being, in " his person, demeanour, and sentiments, the most manly of all human beings." This ought to have been sufficient to show that Glover was not the author of the Letters of Junius.—*Ed.*

* In the king's speech of November 8th, 1768, it was declared, " That the spirit of faction had broken out afresh in some of the colonies, and, in one of them, proceeded to acts of violence and resistance to the execution of the laws ; that Boston was in a state of disobedience to all laws and government, and had proceeded to measures subversive of the constitution, and attended with circumstances that manifested a disposition to throw off their dependence on Great Britain."

found it in a desert. Divided as they are into a thousand forms of policy and religion, there is one point in which they all agree: they equally detest the pageantry of a king and the supercilious hypocrisy of a bishop.

It is not, then, from the alienated affections of Ireland or America that you can reasonably look for assistance; still less from the people of England, who are actually contending for their rights, and in this great question are parties against you. You are not, however, destitute of every appearance of support; you have all the Jacobites, Nonjurors, Roman Catholics, and Tories of this country, and all Scotland, without exception. Considering from what family you are descended, the choice of your friends has been singularly directed; and truly, sir, if you had not lost the Whig interest of England, I should admire your dexterity in turning the hearts of your enemies. Is it possible for you to place any confidence in men, who, before they are faithful to you, must renounce every opinion, and betray every principle, both in church and state, which they inherit from their ancestors, and are confirmed in by their education? whose numbers are so inconsiderable, that they have long since been obliged to give up the principles and language which distinguish them as a party, and to fight under the banners of their enemies? Their zeal begins with hypocrisy, and must conclude in treachery. At first they deceive—at last they betray.

As to the Scotch, I must suppose your heart and understanding so biassed, from your earliest infancy, in their favour, that nothing less than *your own* misfortunes can undeceive you. You will not accept of the uniform experience of your ancestors; and, when once a man is determined to believe, the very absurdity of the doctrine confirms him in his faith. A bigotted understanding can draw a proof of attachment to the House of Hanover from a

notorious zeal for the House of Stuart, and find an earnest of future loyalty in former rebellions. Appearances are, however, in their favour: so strongly, indeed, that one would think they had forgotten that you are their lawful king, and had mistaken you for a pretender to the crown. Let it be admitted, then, that the Scotch are as sincere in their present professions, as if you were, in reality, not an Englishman, but a Briton of the North. You would not be the first prince of their native country against whom they have rebelled, nor the first whom they have basely betrayed. Have you forgotten, sir, or has your favourite concealed from you, that part of our history, when the unhappy Charles (and he, too, had private virtues) fled from the open, avowed indignation of his English subjects, and surrendered himself at discretion to the good faith of his own countrymen? Without looking for support in their affections as subjects, he applied only to their honour, as gentlemen, for protection. They received him, as they would your majesty, with bows, and smiles, and falsehood; and kept him, until they had settled their bargain with the English parliament; then basely sold their native king to the vengeance of his enemies. This, sir, was not the act of a few traitors, but the deliberate treachery of a Scotch parliament, representing the nation. A wise prince might draw from it two lessons of equal utility to himself. On one side, he might learn to dread the undisguised resentment of a generous people, who dare openly assert their rights, and who, in a just cause, are ready to meet their sovereign in the field. On the other side, he would be taught to apprehend something far more formidable; a fawning treachery, against which no prudence can guard, no courage can defend. The insidious smile upon the cheek would warn him of the canker in the heart.

From the uses to which one part of the army has

been too frequently applied,* you have some reason to expect that there are no services they would refuse. Here, too, we trace the partiality of your understanding. You take the sense of the army from the conduct of the guards, with the same justice with which you collect the sense of the people from the representations of the ministry. Your marching regiments, sir, will not make the guards their example, either as soldiers or subjects. They feel, and resent, as they ought to do, that invariable, undistinguishing favour with which the guards are treated ; † while those gallant troops, by whom every hazardous, every laborious service is performed, are left to perish in garrisons abroad, or pine in quarters at home, neglected and forgotten. If they had no sense of the great original duty they owe their country, their resentment would operate like patriotism, and leave your cause to be defended by those on whom you have lavished the rewards and honours of their profession. The prætorian bands, enervated and debauched as they were, had still strength enough to awe the Roman populace ; but when the distant legions took the alarm, they marched to Rome and gave away the empire.

On this side, then, whichever way you turn your eyes, you see nothing but perplexity and distress. You may determine to support the very ministry who have reduced your affairs to this deplorable

* In the affair of St George's Fields, and some other cases.—*Ed.*

† The number of commissioned officers in the guards are to the marching regiments as one to eleven: the number of regiments given to the guards, compared with those given to the line, is about three to one, at a moderate computation ; consequently, the partiality in favour of the guards is as thirty-three to one. So much for the officers. The private men have four-pence a-day to subsist on, and five hundred lashes if they desert. Under this punishment they frequently expire. With these encouragements, it is supposed they may be depended upon, whenever a certain person thinks it necessary to butcher his fellow-subjects.

situation; you may shelter yourself under the forms of a parliament, and set the people at defiance; but be assured, sir, that such a resolution would be as imprudent as it would be odious. If it did not immediately shake your establishment, it would rob you of your peace of mind for ever.

On the other, how different is the prospect! How easy, how safe and honourable, is the path before you! The English nation declare they are grossly injured by their representatives, and solicit your majesty to exert your lawful prerogative, and give them an opportunity of recalling a trust which they find has been scandalously abused. You are not to be told, that the power of the House of Commons is not original, but delegated to them for the welfare of the people, from whom they received it. A question of right arises between the constituent and the representative body. By what authority shall it be decided? Will your majesty interfere in a question, in which you have, properly, no immediate concern? It would be a step equally odious and unnecessary. Shall the lords be called upon to determine the rights and privileges of the commons? They cannot do it, without a flagrant breach of the constitution. Or will you refer it to the judges? They have often told your ancestors that the law of parliament is above them. What part then remains, but to leave it to the people to determine for themselves? They alone are injured; and, since there is no superior power to which the cause can be referred, they alone ought to determine.

I do not mean to perplex you with a tedious argument upon a subject already so discussed, that inspiration could hardly throw a new light upon it. There are, however, two points of view in which it particularly imports your majesty to consider the late proceedings of the House of Commons. By

depriving a subject * of his birth-right, they have attributed to their own vote an authority equal to an act of the whole legislature; and though, perhaps, not with the same motives, have strictly followed the example of the Long Parliament, which first declared the regal office useless, and soon after, with as little ceremony, dissolved the House of Lords. The same pretended power which robs an English subject of his birth-right, may rob an English king of his crown. In another view, the resolution of the House of Commons, apparently not so dangerous to your majesty, is still more alarming to your people. Not contented with divesting one man of his right, they have arbitrarily conveyed that right to another. They have set aside a return as illegal, without daring to censure those officers who were particularly apprised of Mr Wilkes's incapacity, not only by the declaration of the House, but expressly by the writ directed to them, and who, nevertheless, returned him as duly elected. They have rejected the majority of votes, the only criterion by which our laws judge of the sense of the people; they have transferred the right of election from the collective to the representative body; and by these acts, taken separately or together, they have essentially altered the original constitution of the House of Commons. Versed, as your majesty undoubtedly is, in the English history, it cannot escape you, how much it is your interest, as well as your duty, to prevent one of the three estates from encroaching upon the province of the other two, or assuming the authority of them all. When once they have departed from the great constitutional line by which all their proceedings should be directed, who will answer for their future moderation? Or what assurance will they give you, that,

* Wilkes, who had been returned member for Middlesex by a majority of electors.—*Ed.*

when they have trampled upon their equals, they will submit to a superior? Your majesty may learn hereafter how nearly the slave and tyrant are allied.

Some of your council, more candid than the rest, admit the abandoned profligacy of the present House of Commons, but oppose their dissolution, upon an opinion, I confess, not very unwarrantable, that their successors would be equally at the disposal of the treasury. I cannot persuade myself that the nation will have profited so little by experience. But, if that opinion were well founded, you might then gratify our wishes at an easy rate, and appease the present clamour against your government, without offering any material injury to the favourite cause of corruption.

You have still an honourable part to act. The affections of your subjects may still be recovered. But, before you subdue their hearts, you must gain a noble victory over your own. Discard those little, personal resentments, which have too long directed your public conduct. Pardon this man the remainder of his punishment; and, if resentment still prevails, make it, what it should have been long since, an act, not of mercy, but of contempt. He will soon fall back into his natural station; a silent senator, and hardly supporting the weekly eloquence of a newspaper. The gentle breath of peace would leave him on the surface, neglected and unremoved. It is only the tempest that lifts him from his place.

Without consulting your minister, call together your whole council. Let it appear to the public that you can determine and act for yourself. Come forward to your people. Lay aside the wretched formalities of a king, and speak to your subjects with the spirit of a man, and in the language of a gentleman. Tell them you have been fatally deceived. The acknowledgment will be no disgrace, but rather an honour, to your understanding. Tell

them you are determined to remove every cause of complaint against your government ; that you will give your confidence to no man who does not possess the confidence of your subjects ; and leave it to themselves to determine, by their conduct at a future election, whether or no it be, in reality, the general sense of the nation, that their rights have been arbitrarily invaded by the present House of Commons, and the constitution betrayed. They will then do justice to their representatives and to themselves.

These sentiments, sir, and the style they are conveyed in, may be offensive, perhaps, because they are new to you. Accustomed to the language of courtiers, you measure their affections by the vehemence of their expressions ; and when they only praise you indifferently, you admire their sincerity. But this is not a time to trifle with your fortune. They deceive you, sir, who tell you that you have many friends, whose affections are founded upon a principle of personal attachment. The first foundation of friendship is not the power of conferring benefits, but the equality with which they are received, and may be returned. The fortune which made you a king, forbade you to have a friend. It is a law of nature, which cannot be violated with impunity. The mistaken prince, who looks for friendship, will find a favourite, and in that favourite the ruin of his affairs.

The people of England are loyal to the house of Hanover, not from a vain preference of one family to another, but from a conviction that the establishment of that family was necessary to the support of their civil and religious liberties. This, sir, is a principle of allegiance equally solid and rational ; fit for Englishmen to adopt, and well worthy of your majesty's encouragement. We cannot long be deluded by nominal distinctions. The name of Stuart, of itself, is only contemptible ; armed with

the sovereign authority, their principles are formidable. The prince who imitates their conduct should be warned by their example; and, while he plumes himself upon the security of his title to the crown, should remember, that, as it was acquired by one revolution, it may be lost by another.

JUNIUS.

LETTER XXXVI.

*To his Grace the Duke of Grafton.**

MY LORD,

February 14, 1770.

IF I were personally your enemy, I might pity and forgive you. You have every claim to compassion that can arise from misery and distress. The condition you are reduced to would disarm a private enemy of his resentment, and leave no consolation to the most vindictive spirit, but that such an object as you are would disgrace the dignity of revenge. But, in the relation you have borne to this

* The Duke of Grafton had lately resigned the office of first lord of the treasury; and as his resignation was abrupt, different reasons, as appears from the following letter, were assigned for it. Some persons believed that his grace had differed in opinion with his colleagues on some public measures; while others maintained that he had lost courage to withstand the violent and continued attacks that were made on him, both in and out of parliament. There is reason to believe that these Letters of Junius had at least some effect in producing this determination on the part of his grace.

A short time before the duke's resignation, the great seal had been taken from Lord Camden, who had expressed himself in disapprobation of the proceedings of the House of Commons in the case of Wilkes; and Mr Charles Yorke, who had been urged to succeed him, was understood to have put a period to his own life three days after receiving the seal. It was immediately after the duke's resignation that this letter was addressed to him by Junius.—*Ed.*

country, you have no title to indulgence ; and if I had followed the dictates of my own opinion, I never should have allowed you the respite of a moment. In your public character, you have injured every subject of the empire ; and though an individual is not authorised to forgive the injuries done to society, he is called upon to assert his separate share in the public resentment. I submitted, however, to the judgment of men, more moderate, perhaps more candid, than myself. For my own part, I do not pretend to understand those prudent forms of decorum, those gentle rules of discretion, which some men endeavour to unite with the conduct of the greatest and most hazardous affairs. Engaged in the defence of an honourable cause, I would take a decisive part. I should scorn to provide for a future retreat, or to keep terms with a man who preserves no measures with the public. Neither the abject submission of deserting his post in the hour of danger, nor even the sacred * shield of cowardice, should protect him. I would pursue him through life, and try the last exertion of my abilities to preserve the perishable infamy of his name, and make it immortal.

What then, my lord ? Is this the event of all the sacrifices you have made to Lord Bute's patronage, and to your own unfortunate ambition ? Was it for this you abandoned your earliest friendships, the warmest connexions of your youth, and all those honourable engagements by which you once solicited, and might have acquired, the esteem of your country ? Have you secured no recompense for such a waste of honour ? Unhappy man ! what party will receive the common deserter of all parties ? Without a client to flatter, without a friend to console you, and with only one companion from

* — *Sacro tremuere timore.* Every coward pretends to be planet-struck.

the honest house of Bloomsbury, you must now retire into a dreadful solitude. At the most active period of life you must quit the busy scene, and conceal yourself from the world, if you would hope to save the wretched remains of a ruined reputation. The vices operate like age, bring on disease before its time, and in the prime of youth leave the character broken and exhausted.

Yet your conduct has been mysterious, as well as contemptible. Where is now that firmness, or obstinacy, so long boasted of by your friends, and acknowledged by your enemies? We were taught to expect that you would not leave the ruin of this country to be completed by other hands, but were determined either to gain a decisive victory over the constitution, or to perish bravely, at least behind the last dike of the prerogative. You knew the danger, and might have been provided for it. You took sufficient time to prepare for a meeting with your parliament, to confirm the mercenary fidelity of your dependants, and to suggest to your sovereign a language suited to his dignity at least, if not to his benevolence and wisdom. Yet, while the whole kingdom was agitated with anxious expectation upon one great point, you meanly evaded the question, and, instead of the explicit firmness and decision of a king, gave us nothing but the misery of a ruined * grazier, and the whining piety

* There was something wonderfully pathetic in the mention of the horned cattle.—*Author.*

Most readers are probably aware, that great expectations having been awakened respecting the speech with which his majesty would open the session of parliament, it commenced with stating the measures which government had adopted for preventing the introduction into this country of a disease which had committed great havock among the cattle of the continent. This topic, which at any time was fitted to have produced a ridiculous impression upon a popular assembly, was peculiarly so when the expectations of all men were so raised by the momentous aspect of public affairs.—*Ed.*

of a Methodist. We had reason to expect that notice would have been taken of the petitions which the king had received from the English nation;* and although I can conceive some personal motives for not yielding to them, I can find none, in common prudence or decency, for treating them with contempt. Be assured, my lord, the English people will not tamely submit to this unworthy treatment. They had a right to be heard; and their petitions, if not granted, deserved to be considered. Whatever be the real views and doctrine of a court, the sovereign should be taught to preserve some forms of attention to his subjects; and, if he will not redress their grievances, not to make them a topic of jest and mockery among lords and ladies of the bed-chamber. Injuries may be atoned for and forgiven; but insults admit of no compensation. They degrade the mind in its own esteem, and force it to recover its level by revenge. This neglect of the petitions was, however, a part of your original plan of government; nor will any consequences it has produced account for your deserting your sovereign in the midst of that distress in which you and your new friends† have involved him. One would think, my lord, you might have taken this spirited resolution before you had dissolved the last of those early connexions which once, even in your own opinion, did honour to your youth; before you had obliged Lord Granby to quit a service he was attached to; before you had discarded one chancellor, and killed another.‡ To what an abject condition have you laboured to reduce the best of princes, when the

* Petitions had been received about this time from several of the largest cities in the empire, praying that the state of public affairs might be taken into consideration.—*Ed.*

† The Bedford party.

‡ The allusion in this passage is to the cases of Lord Camden and Chancellor Yorke.—*Ed.*

unhappy man, who yields at last to such personal instance and solicitation as never can be fairly employed against a subject, feels himself degraded by his compliance, and is unable to survive the disgraceful honours which his gracious sovereign had compelled him to accept ! He was a man of spirit, for he had a quick sense of shame, and death has redeemed his character. I know your grace too well to appeal to your feelings upon this event ; but there is another heart, not yet, I hope, quite callous to the touch of humanity, to which it ought to be a dreadful lesson for ever.*

Now, my lord, let us consider the situation to which you have conducted, and in which you have thought it advisable to abandon your royal master. Whenever the people have complained, and nothing better could be said in defence of the measures of government, it has been the fashion to answer us, though not very fairly, with an appeal to the private virtues of your sovereign : “ Has he not, to relieve the people, surrendered a considerable part of his revenue ? Has he not made the judges independent, by fixing them in their places for life ? ” My lord, we acknowledge the gracious principle which gave birth to these concessions, and have nothing to regret, but that it has never been adhered to. At the end of seven years, we are loaded with a debt of above five hundred thousand pounds upon the civil list ; and now we see the chancellor of Great Britain tyrannically forced out of his office, not for want of abilities, not for want of integrity, or of attention to his duty, but for delivering his honest opinion in parliament upon the greatest constitutional question that has arisen since the revolution. We care not to whose private vir-

* The most secret particulars of this detestable transaction shall in due time be given to the public. The people shall know what kind of man they have to deal with.

tues you appeal. The theory of such a government is falsehood and mockery; the practice is oppression. You have laboured then (though, I confess, to no purpose) to rob your master of the only plausible answer that ever was given in defence of his government—of the opinion which the people had conceived of his personal honour and integrity. The Duke of Bedford was more moderate than your grace: he only forced his master to violate a solemn promise made to an individual;* but you, my lord, have successfully extended your advice to every political, every moral engagement, that could bind either the magistrate or the man. The condition of a king is often miserable; but it required your grace's abilities to make it contemptible. You will say, perhaps, that the faithful servants, in whose hands you have left him, are able to retrieve his honour, and to support his government. You have publicly declared, ever since your resignation, that you approved of their measures, and admired their conduct, particularly that of the Earl of Sandwich. What a pity it is, that, with all this appearance, you should think it necessary to separate yourself from such amiable companions! You forget, my lord, that, while you are lavish in the praise of men whom you desert, you are publicly opposing your conduct to your opinions, and depriving yourself of the only plausible pretence you had for leaving your sovereign overwhelmed with distress. I call it plausible; for, in truth, there is no reason whatsoever, less than the frowns of your master, that could justify a man of spirit for abandoning his post at a moment so critical and important. It is in vain to evade the question: if you will not speak out, the public have a right to judge from appearances. We are authorised to conclude, that you either differed from your col-

* Mr Stuart M'Kenzie.

leagues, whose measures you still affect to defend, or that you thought the administration of the king's affairs no longer tenable. You are at liberty to choose between the hypocrite and the coward. Your best friends are in doubt which way they shall incline. Your country unites the characters, and gives you credit for them both. For my own part, I see nothing inconsistent in your conduct. You began with betraying the people; you conclude with betraying the king.

In your treatment of particular persons, you have preserved the uniformity of your character. Even Mr Bradshaw declares, that no man was ever so ill used as himself. As to the provision* you have made for his family, he was entitled to it by the house he lives in. The successor of one chancellor might well pretend to be the rival of another. It is the breach of private friendship which touches Mr Bradshaw; and, to say the truth, when a man of his rank and abilities had taken so active a part in your affairs, he ought not to have been let down at last with a miserable pension of fifteen hundred pounds a-year. Colonel Luttrell, Mr Onslow, and Governor Burgoyne, were equally engaged with you, and have rather more reason to complain than Mr Bradshaw. These are men, my lord, whose

* A pension of £1500 per annum, insured upon the four one-half per cents. (he was too cunning to trust to Irish security), for the lives of himself and his sons. This gentleman, who, a very few years ago, was contractor for forage, and afterwards exalted to a petty post in the war-office, thought it necessary (as soon as he was appointed secretary to the treasury) to take that great house in Lincoln's-Inn-Fields, in which the Earl of Northington had resided while he was lord high chancellor of Great Britain. As to the pension, Lord North very solemnly assured the House of Commons, that no pension was ever so well deserved as Mr Bradshaw's. N.B. Lord Camden and Sir Jeffrey Amherst are not near so well provided for: and Sir Edward Hawke, who saved the state, retires with two thousand pounds a-year on the Irish establishment, from which he, in fact, receives less than Mr Bradshaw's pension.

friendship you should have adhered to on the same principle on which you deserted Lord Rockingham, Lord Chatham, Lord Camden, and the Duke of Portland. We can easily account for your violating your engagements with men of honour; but why should you betray your natural connexions? Why separate yourself from Lord Sandwich, Lord Gower, and Mr Rigby; or leave the three worthy gentlemen above-mentioned to shift for themselves? With all the fashionable indulgence of the times, this country does not abound in characters like theirs; and you may find it a very difficult matter to recruit the black catalogue of your friends.

The recollection of the royal patent you sold to Mr Hine, obliges me to say a word in defence of a man* whom you have taken the most dishonourable means to injure. I do not refer to the sham prosecution which you affected to carry on against him. On that ground, I doubt not, he is prepared to meet you with tenfold recrimination, and set you at defiance. The injury you had done him affects his moral character. You knew that the offer to purchase the reversion of a place, which has heretofore been sold under a decree of the court of chancery, however imprudent in his situation, would no way tend to cover him with that sort of guilt which you wished to fix upon him in the eyes of the world. You laboured then, by every species of false suggestion, and even by publishing counterfeit letters, to have it understood that he had proposed terms of accommodation to you, and had offered to abandon his principles, his party, and his friends. You consulted your own breast for a character of consummate treachery, and gave it to the public for that of Mr Vaughan. I think myself

* Mr Vaughan,—for the details of whose case see note, page 305. It must be recollected, that Vaughan had been a zealous partisan of the popular cause in the great disputes which at this time divided the court and the nation—*Ed.*

obliged to do this justice to an injured man, because I was deceived by the appearances thrown out by your grace, and have frequently spoken of his conduct with indignation. If he really be, what I think him, honest, though mistaken, he will be happy in recovering his reputation, though at the expense of his understanding. Here I see the matter is likely to rest. Your grace is afraid to carry on the prosecution. Mr Hine keeps quiet possession of the purchase; and Governor Burgoyne, relieved from the apprehension of refunding the money, sits down, for the remainder of his life, *infamous and contented*.

I believe, my lord, I may now take my leave of you for ever. You are no longer that resolute minister, who had spirit to support the most violent measures; who compensated for the want of good and great qualities, by a brave determination (which some people admired and relied on) to maintain himself without them.—The reputation of obstinacy and perseverance might have supplied the place of all the absent virtues. You have now added the last negative to your character, and meanly confessed that you are destitute of the common spirit of a man. Retire, then, my lord, and hide your blushes from the world; for, with such a load of shame, even *black* may change its colour.* A mind, such as yours,† in the solitary hours of domestic enjoyment, may still find topics of consolation.—You may find it in the memory of violated friendship; in the afflictions of an accomplished prince, whom you have disgraced and deserted; and in the agitations of a great country, driven, by your counsels, to the brink of destruction.

* Junius makes repeated allusions to the *black* complexion of the duke. The allusion is scarcely worthy of him.—*Ed.*

† We see here again, that form of sarcasm which we have repeatedly noticed as peculiar to Junius: "A mind like yours."—*Ed.*

The palm of ministerial firmness is now transferred to Lord North. He tells us so himself, and with the plenitude of the *ore rotundo* ;* and I am ready enough to believe, that, while he can keep his place, he will not easily be persuaded to resign it. Your grace was the firm minister of yesterday ; Lord North is the firm minister of to-day. To-morrow, perhaps, his majesty, in his wisdom, may give us a rival for you both. You are too well acquainted with the temper of your late allies, to think it possible that Lord North should be permitted to govern this country. If we may believe common fame, they have shown him their superiority already. His majesty is, indeed, too gracious to insult his subjects, by choosing his first minister from among the domestics of the Duke of Bedford ; that would have been too gross an outrage to the three kingdoms. Their purpose, however, is equally answered, by pushing forward this *unhappy figure*,† and forcing it to bear the odium of measures, which they in reality direct. Without immediately appearing to govern, they possess the power, and distribute the emoluments, of government, as they think proper. They still adhere to the spirit of that calculation, which made Mr Luttrell representative of Middlesex. Far from regretting your retreat, they assure us, very gravely, that it increases the real strength of the ministry. According to this way of reasoning, they will probably grow stronger and more flourishing every hour they exist : for I think there is hardly a day passes in which some one or other of his majesty's servants does not leave them to improve by the loss of his

* This eloquent person has got as far as the discipline of Demosthenes. He constantly speaks with pebbles in his mouth, to improve his articulation.—*Author*.

Lord North's tongue was rather large for his mouth.—*Ed*.

† His Lordship's *figure* was any thing but graceful, and while speaking he was agitated by a sort of pendulous motion.—*Ed*.

assistance. But, alas ! their countenances speak a different language. When the members drop off, the main body cannot be insensible of its approaching dissolution. Even the violence of their proceedings is a signal of despair. Like broken tenants, who have had warning to quit the premises, they curse their landlord, destroy the fixtures, throw every thing into confusion, and care not what mischief they do to the estate.

JUNIUS.

 LETTER XXXVII.*

To the Printer of the Public Advertiser.

SIR,

March 19, 1769.

I BELIEVE there is no man, however indifferent about the interests of this country, who will not

* At the time when this letter was written, party feeling, particularly in London, was at its utmost height. Wilkes had been, for the fourth time, returned by the electors of Middlesex, and as often rejected by the House of Commons. There seemed to be no probable termination of this contest, and the minds of men fluctuated, with an agitated uncertainty, respecting the course which it would be most proper and effectual for them to adopt.

In this state of the public mind petitions were sent up to the throne from several of the most distinguished cities of the empire; and among these London and Westminster, of course, sustained a prominent part. The petitioners prayed, that the evil *influence* which, for a series of years, had agitated the country and perverted the counsels of the sovereign, might be done away,—that his majesty would be pleased to dismiss his present ministers,—and that more especially he would consent to dissolve the parliament, which had ceased, according to the statement of the petitioners, to be a fair representation either of the numbers or of the sentiments of the people.

These petitions were not very graciously received, and the petitioners therefore ventured to go a step farther, and to present remonstrances, in which the same principles were again insisted on. To these the answer of the king was temperate, but firm, professing his earnest wish to govern

readily confess, that the situation to which we are now reduced, whether it has arisen from the violence of faction, or from an arbitrary system of government, justifies the most melancholy apprehensions, and calls for the exertion of whatever wisdom or vigour is left among us. The king's answer to the remonstrance of the city of London, and the measures since adopted by the ministry, amount to a plain declaration, that the principle on which Mr Luttrell was seated in the House of Commons, is to be supported in all its consequences, and carried to its utmost extent. The same spirit which violated the freedom of election, now invades the declaration and bill of rights, and threatens to punish the subject for exercising a privilege hitherto undisputed, of petitioning the crown. The grievances of the people are aggravated by insults; their complaints not merely disregarded, but checked by authority; and every one of those acts against which they remonstrated, confirmed by the king's decisive approbation. At such a moment, no honest man will remain silent or inactive. However distinguished by rank or property, in the rights of freedom we are all equal. As we are Englishmen, the least considerable man among us has an interest equal to the proudest nobleman in the laws and constitution of his country, and is equally called upon to make a generous contribution in support of

in all things according to law; but refusing to interfere with the functions of any other branch of the legislature, as he hinted he must do if he should dissolve the parliament expressly upon the ground of their conduct respecting Wilkes. Both houses of parliament sent up an address to the throne, expressive of their high approbation of his majesty's conduct in this transaction; and his majesty had thus the satisfaction of finding, that not only the firmness but the wisdom of his conduct in these very trying circumstances had met with the approbation of those who viewed with most impartiality the whole aspect of affairs. It was immediately after the presentation of these petitions that the following letter of Junius appeared, which is meant to be a commentary on the prayer of the petitioners.—*Ed.*

them ; whether it be the heart to conceive, the understanding to direct, or the hand to execute. It is a common cause in which we are all interested, in which we should all be engaged. The man who deserts it at this alarming crisis, is an enemy to his country, and, what I think of infinitely less importance, a traitor to his sovereign. The subject, who is truly loyal to the chief magistrate, will neither advise nor submit to arbitrary measures. The city of London have given an example, which, I doubt not, will be followed by the whole kingdom. The noble spirit of the metropolis is the life-blood of the state, collected at the heart ; from that point it circulates, with health and vigour, through every artery of the constitution. The time is come when the body of the English people must assert their own cause : conscious of their strength, and animated by a sense of their duty, they will not surrender their birth-right to ministers, parliaments, or kings. The city of London have expressed their sentiments with freedom and firmness ; they have spoken truth boldly ; and, in whatever light their remonstrance may be represented by courtiers, I defy the most subtle lawyer in this country to point out a single instance in which they have exceeded the truth. Even that assertion which we are told is most offensive to parliament, in the theory of the English constitution, is strictly true.* If any part of the representative body be not chosen by the people, that part vitiates and corrupts the whole. If there be a defect in the representation of the people, power, which alone is equal to the mak-

* The passage alluded to is this:—" They, that is, the House of Commons, have done a deed more ruinous in its consequences than the levying of ship-money by Charles the First, or the dispensing power assumed by James the Second—a deed which must vitiate all the future proceedings of this parliament; for the acts of the legislature itself can no more be valid without a legal House of Commons, than without a legal prince upon the throne."
—Ed.

ing of the laws in this country, is not complete, and the acts of parliament, under that circumstance, are not the acts of a pure and entire legislature. I speak of the theory of our constitution; and whatever difficulties or inconveniences may attend the practice, I am ready to maintain that, as far as the fact deviates from the principle, so far the practice is vicious and corrupt. I have not heard a question raised upon any other part of the remonstrance. That the principle on which the Middlesex election was determined, is more pernicious in its effects than either the levying of ship-money by Charles the First, or the suspending power assumed by his son, will hardly be disputed by any man who understands or wishes well to the English constitution. It is not an act of open violence done by the king, or any direct or palpable breach of the laws attempted by his minister, that can ever endanger the liberties of this country. Against such a king or minister the people would immediately take the alarm, and all parties unite to oppose him. The laws may be grossly violated in particular instances, without any direct attack upon the whole system. Facts of that kind stand alone; they are attributed to necessity, not defended by principle. We can never be really in danger, until the forms of parliament are made use of to destroy the substance of our civil and political liberties; until parliament itself betrays its trust, by contributing to establish new principles of government, and employing the very weapons committed to it by the collective body to stab the constitution.

As for the terms of the remonstrance, I presume it will not be affirmed, by any person less polished than a gentleman usher, that this is a season for compliments. Our gracious king, indeed, is abundantly civil to himself. Instead of an answer to a petition, his majesty very graciously pronounce his own panegyric; and I confess that, as far as his personal behaviour, or the royal purity of his

intentions, is concerned, the truth of those declarations, which the minister has drawn up for his master, cannot decently be disputed. In every other respect, I affirm, that they are absolutely unsupported either in argument or fact: I must add, too, that supposing the speech were otherwise unexceptionable, it is not a direct answer to the petition of the city. His majesty is pleased to say, that he is always ready to receive the request of his subjects; yet the sheriffs were twice sent back with an excuse; and it was certainly debated in council, whether or no the magistrates of the city of London should be admitted to an audience. Whether the remonstrance be or be not injurious to parliament, is the very question between the parliament and the people, and such a question as cannot be decided by the assertion of a third party, however respectable. That the petitioning for a dissolution of parliament is irreconcilable with the principles of the constitution, is a new doctrine. His majesty, perhaps, has not been informed, that the House of Commons themselves, have, by a formal resolution, admitted it to be the right of the subject. His majesty proceeds to assure us, that he has made the laws the rule of his conduct. Was it in ordering or permitting his ministers to apprehend Mr Wilkes by a general warrant? Was it in suffering his ministers to revive the obsolete maxim of *nullum tempus*,† to rob the Duke of Portland of his property, and thereby give a decisive turn to a county election? Was it in erecting a chamber consultation of surgeons, with authority to examine into and su-

* This, as is well known, was the origin of all the subsequent mischief attending the election of Wilkes.—*Ed.*

† *Nullo tempore occurrit regi*: No length of time is available against a claim of the crown, are the first words of the law upon which an attempt was made to transfer the Duke of Portland's lands in Cumberland, which had been formerly crown lands, to a supporter of the ministry.—*Ed.*

persede the legal verdict of a jury? * Or did his majesty consult the laws of this country, when he permitted his secretary of state to declare, that, whenever the civil magistrate is trifled with, a military force must be sent for, *without the delay of a moment*, and effectually employed? † Or was it in the barbarous exactness with which this illegal, inhuman doctrine was carried into execution? If his majesty had recollected these facts, I think, he would never have said, at least with any reference to the measures of his government, that he had made the laws the rule of his conduct. To talk of preserving the affections, or relying on the support of his subjects, while he continues to act upon these principles, is, indeed, paying a compliment to their loyalty, which, I hope, they have too much spirit and understanding to deserve.

His majesty, we are told, is not only punctual in the performance of his own duty, but careful not to assume any of those powers which the constitution has placed in other hands. Admitting this last assertion to be strictly true, it is no way to the purpose. The city of London have not desired the king to assume a power placed in other hands. If they had, I should hope to see the person who dared to present such a petition immediately impeached. They solicit their sovereign to exert that constitutional authority which the laws have vested in him for the benefit of his subjects. They call upon him to make use of his lawful prerogative in a case which our laws evidently supposed might happen, since they have provided for it by trusting the sovereign with a discretionary power to dissolve the parliament. This request will, I am confident, be supported by remonstrances from all parts of the

* Alluding to the case of M'Quirk, formerly discussed, p. 180, note.—*Ed.*

† Alluding to a letter of Lord Barrington's.—*Ed.*

kingdom. His majesty will find, at last, that this is the sense of his people ; and that it is not his interest to support either ministry or parliament at the hazard of a breach with the collective body of his subjects. That he is king of a free people, is, indeed, his greatest glory. That he may long continue the king of a free people is the second wish that animates my heart. The first is, *that the people may be free.**

LETTER XXXVIII.†

To the Printer of the Public Advertiser.

SIR,

April 3, 1770.

IN my last letter I offered you my opinion of the truth and propriety of his majesty's answer to the

* When his majesty had done reading his speech, the lord mayor, &c. had the honour of kissing his majesty's hand ; after which, as they were withdrawing, his majesty instantly turned round to his courtiers, *and burst out a laughing.*

Nero fiddled while Rome was burning.

JOHN HORNE.—*Author.*

Horne had used these words in an account of the circumstances that occurred at presenting the petitions.—*Ed.*

† The point chiefly argued in this letter is, the propriety of the king himself taking so prominent a part in rebuking his subjects, as he had been counselled to do in replying to the addresses from London and Westminster. According to our author, the sovereign ought to be known to his subjects chiefly by acts of bounty and of mercy,—government should proceed upon a fixed system, conducted by ministers who are responsible for all that is done : and nothing should be left to the monarch but to prove himself the affectionate father of his people, by doing them good. But even, if circumstances should be conceived likely to occur, in which the royal authority ought to be personally interposed, this interposition ought by no means to consist merely in an inefficient show of power ; the measures begun, or threatened, ought to be followed up, and the royal dignity ought not, as happened in the case of the city remonstrances, to have terminated merely in procuring a vote of

city of London, considering it merely as the speech of a minister, drawn up in his own defence, and delivered, as usual, by the chief magistrate. I would separate, as much as possible, the king's personal character and behaviour from the acts of the present government. I wish it to be understood that his majesty had, in effect, no more concern in the substance of what he said, than Sir James Hodges* had in the remonstrance; and that as Sir James, in virtue of his office, was obliged to speak the sentiments of the people, his majesty might think himself bound, by the same official obligation, to give a graceful utterance to the sentiments of his minister. The cold formality of a well-repeated lesson is widely distant from the animated expression of the heart.

This distinction, however, is only true with respect to the measure itself. The consequences of it reach beyond the minister, and materially affect his majesty's honour. In their own nature they are formidable enough to alarm a man of prudence, and disgraceful enough to alarm a man of spirit. A subject, whose sincere attachment to his majesty's person and family is founded upon rational principles, will not, in the present conjuncture, be scrupulous of alarming, or even of afflicting, his sovereign. I know there is another sort of loyalty, of which his majesty has had plenty of experience. When the loyalty of Tories, Jacobites, and Scotchmen, has once taken possession of an unhappy prince, it seldom leaves him without accomplishing

censure, and an address from the two houses of parliament, which was so little regarded, in fact, that they were only answered by another remonstrance from the same persons who had thus been censured. Such is the strain of reasoning which pervades this letter, the composition of which is throughout very powerful and beautiful.—*Ed.*

* This gentleman was town-clerk to the city of London, and took, of course, an active part in furthering the petition and remonstrance.—*Ed.*

his destruction. When the poison of their doctrines has tainted the natural benevolence of his disposition, when their insidious counsels have corrupted the *stamina* of his government, what antidote can restore him to his political health and honour but the firm sincerity of his English subjects ?

It has not been usual in this country, at least since the days of Charles the First, to see the sovereign personally at variance, or engaged in a direct altercation, with his subjects. Acts of grace and indulgence are wisely appropriated to him, and should constantly be performed by himself. He never should appear but in an amiable light to his subjects. Even in France, as long as any ideas of a limited monarchy were thought worth preserving, it was a maxim that no man should leave the royal presence discontented. They have lost or renounced the moderate principles of their government ; and now, when their parliaments venture to remonstrate, the tyrant comes forward, and answers absolutely for himself. The spirit of their present constitution requires that the king should be feared ; and the principle, I believe, is tolerably supported by the fact. But, in our political system, the theory is at variance with the practice, for the king should be beloved. Measures of greater severity may, indeed, in some circumstances, be necessary ; but the minister who advises should take the execution and odium of them entirely upon himself. He not only betrays his master, but violates the spirit of the English constitution, when he exposes the chief magistrate to the personal hatred or contempt of his subjects. When we speak of the firmness of government, we mean an uniform system of measures, deliberately adopted, and resolutely maintained by the servants of the crown ; not a peevish asperity in the language and behaviour of the sovereign. The government of a weak, irresolute monarch, may be wise, moderate, and firm : that of an obstinate, ca-

precious prince, on the contrary, may be feeble, undetermined, and relaxed. The reputation of public measures depends upon the minister, who is responsible ; not upon the king, whose private opinions are not supposed to have any weight against the advice of his council, and whose personal authority should, therefore, never be interposed in public affairs. This, I believe, is true constitutional doctrine. But for a moment let us suppose it false. Let it be taken for granted, that an occasion may arise in which a king of England shall be compelled to take upon himself the ungrateful office of rejecting the petitions and censuring the conduct of his subjects ; and let the city remonstrance be supposed to have created so extraordinary an occasion. On this principle, which I presume no friend of administration will dispute, let the wisdom and spirit of the ministry be examined. They advise the king to hazard his dignity, by a positive declaration of his own sentiments ; they suggest to him a language full of severity and reproach. What follows ? When his majesty had taken so decisive a part in support of his ministry and parliament, he had a right to expect from them a reciprocal demonstration of firmness in their own cause, and of their zeal for his honour. He had reason to expect (and such, I doubt not, were the blustering promises of Lord North) that the persons whom he had been advised to charge with having failed in their respect to him, with having injured parliament, and violated the principles of the constitution, should not have been permitted to escape without some severe marks of the displeasure and vengeance of parliament. As the matter stands, the minister, after placing his sovereign in the most unfavourable light to his subjects, and after attempting to fix the ridicule and odium of his own precipitate measures upon the royal character, leaves him a solitary figure upon the scene, to recall, if he can, or to compen-

sate, by future compliances, for one unhappy demonstration of ill-supported firmness and ineffectual resentment. As a man of spirit, his majesty cannot but be sensible, that the lofty terms in which he was persuaded to reprimand the city, when united with the silly conclusion of the business, resembled the pomp of a mock tragedy, where the most pathetic sentiments, and even the sufferings of the hero, are calculated for derision.*

Such have been the boasted firmness and consistency of a minister,† whose appearance in the House of Commons was thought essential to the king's service; whose presence was to influence every division; who had a voice to persuade, an eye to penetrate, a gesture to command. The reputation of these great qualities has been fatal to his friends. The *little* dignity of Mr Ellis has been committed.‡ The mine was sunk; combustibles

* It is understood to have been agitated among the members of the cabinet, after the presentation of the petition and remonstrance, formerly noticed, whether some measures should not be adopted for punishing those who presented these addresses; and it is said, that Mr Welbore Ellis had offered to make a motion in parliament for that purpose. No such severe measure, however, was adopted,—a vote of censure, and an address from both houses, being all that followed. This Junius styles the silly conclusion of the business.—*Ed.*

† This graceful minister is oddly constructed. His tongue is a little too big for his mouth, and his eyes a great deal too big for their sockets. Every part of his person sets natural proportion at defiance. At this present writing his head is supposed to be much too heavy for his shoulders.

‡ The following account of Mr Welbore Ellis, whose name is frequently introduced by Junius with great contempt, as when he calls him Grildrig, Mannikin Ellis, &c. is taken from Sir N. Wrexall's memoirs:—"Mr Welbore Ellis might be considered as the Nestor of the ministry and of the House of Commons. In his figure, manner, and deportment, the very essence of form, he regularly took his seat on the treasury bench, dressed in all points as if he had been going to the drawing-room at St James's. His eloquence was of the same description as himself, precise, grave, and constrained." It is scarcely necessary to add, that Mr Ellis was of diminutive stature.—*Ed.*

were provided; and Welbore Ellis, the Guy Faux of the fable, waited only for the signal of command. All of a sudden the country gentlemen discover how grossly they have been deceived: the minister's heart fails him; the grand plot is defeated in a moment; and poor Mr Ellis and his motion taken into custody. From the event of Friday last, one would imagine that some fatality hung over this gentleman. Whether he makes or suppresses a motion, he is equally sure of disgrace. But the complexion of the times will suffer no man to be vice-treasurer of Ireland with impunity.*

I do not mean to express the smallest anxiety for the minister's reputation. He acts separately for himself, and the most shameful inconsistency may perhaps be no disgrace to him. But when the sovereign, who represents the majesty of the state, appears in person, his dignity should be supported. The occasion should be important; the plan well considered; the execution steady and consistent. My zeal for his majesty's real honour compels me to assert, that it has been too much the system of the present reign, to introduce him personally either to act for or to defend his servants. They persuade him to do what is properly their business, and desert him in the midst of it. Yet this is an inconvenience to which he must for ever be exposed, while he adheres to a ministry divided among themselves, or unequal in credit and ability to the great

* About this time the courtiers talked of nothing but a bill of pains and penalties against the lord mayor and sheriffs, or impeachment at the least. Little *Mannikin Ellis* told the king, that if the business were left to his management, he would engage to do wonders. It was thought very odd that a business of so much importance should be intrusted to the most contemptible little piece of machinery in the whole kingdom. His honest zeal, however, was disappointed. The minister took fright; and, at the very instant that little Ellis was going to open, sent him an order to sit down. All their magnanimous threats ended in a ridiculous vote of censure, and a still more ridiculous address to the king.

task they have undertaken. Instead of reserving the interposition of the royal personage, as the last resource of government, their weakness obliges them to apply it to every ordinary occasion, and to render it cheap and common in the opinion of the people. Instead of supporting their master, they look to him for support; and for the emoluments of remaining one day more in office, care not how much his sacred character is prostituted and dishonoured.

If I thought it possible for this paper to reach the closet, I would venture to appeal at once to his majesty's judgment. I would ask him, but in the most respectful terms, "As you are a young man, sir, who ought to have a life of happiness in prospect; as you are a husband, as you are a father (your filial duties, I own, have been religiously performed), is it *bona fide* for your interest or your honour, to sacrifice your domestic tranquillity, and to live in a perpetual disagreement with your people, merely to preserve such a chain of beings as North, Barrington, Weymouth, Gower, Ellis, Onslow, Rigby, Jerry Dyson, and Sandwich? Their very names are a satire upon all government! and I defy the gravest of your chaplains to read the catalogue without laughing."

For my own part, sir, I have always considered addresses from parliament as a fashionable, unmeaning formality. Usurpers, idiots, and tyrants, have been successively complimented with almost the same professions of duty and affection. But let us suppose them to mean exactly what they profess. The consequences deserve to be considered. Either the sovereign is a man of high spirit, and dangerous ambition, ready to take advantage of the treachery of his parliament, ready to accept of the surrender they make him of the public liberty, or he is a mild, undesigning prince, who, provided they indulge him with a little state and pageantry,

would of himself intend no mischief. On the first supposition it must soon be decided by the sword, whether the constitution should be lost or preserved. On the second, a prince, no way qualified for the execution of a great and hazardous enterprise, and without any determined object in view, may nevertheless be driven into such desperate measures, as may lead directly to his ruin ; or disgrace himself by a shameful fluctuation between the extremes of violence at one moment, and timidity at another. The minister, perhaps, may have reason to be satisfied with the success of the present hour, and with the profits of his employment. He is the tenant of the day, and has no interest in the inheritance. The sovereign himself is bound by other obligations, and ought to look forward to a superior, a permanent interest. His paternal tenderness should remind him how many hostages he has given to society. The ties of nature come powerfully in aid of oaths and protestations. The father, who considers his own precarious state of health, and the possible hazard of a long minority, will wish to see the family estate free and unencumbered.* What is the dignity of the crown, though it were really maintained ; what is the honour of parliament, supposing it could exist without any foundation of integrity and justice ; or what is the vain reputation of firmness, even if the scheme of the government were uniform and consistent, compared with the heart-felt affections of the people, with the happiness and security of the royal family, or even with the grateful acclamations of the populace ? Whatever style of contempt may be adopted by ministers or parliaments, no man sincerely despises the voice of the English nation. The House of Commons are

* Every true friend of the house of Brunswick sees with affliction how rapidly some of the principal branches of the family have dropped off.

only interpreters, whose duty it is to convey the sense of the people faithfully to the crown. If the interpretation be false or imperfect, the constituent powers are called upon to deliver their own sentiments. Their speech is rude, but intelligible; their gestures fierce, but full of explanation. Perplexed by sophistries, their honest eloquence rises into action. Their first appeal was to the integrity of their representatives; the second, to the king's justice.* The last argument of the people, whenever they have recourse to it, will carry more, perhaps, than persuasion to parliament, or supplication to the throne.

JUNIUS.

LETTER XXXIX.†

To the Printer of the Public Advertiser.

SIR,

May 28, 1770.

WHILE parliament was sitting, it would neither have been safe, or, perhaps, quite regular, to offer any opinion to the public upon the justice or wisdom of their proceedings. To pronounce fairly upon their conduct, it was necessary to wait until

* By repeatedly returning Wilkes they appealed to the integrity of their representatives; and by their petitions and remonstrances, they appealed to the justice of the king.
—Ed.

† In this letter the author has reviewed the proceedings of that session of parliament which had just terminated; and has adverted particularly to the conduct of the two Houses respecting the incapacitation of Wilkes. On this subject he has maintained, that without touching the particular point regarding Wilkes and Colonel Luttrell, some plan should have been adopted for quieting the minds of the people on the general question. The conduct of parliament regarding the rising discontent in America is likewise adverted to, as also the supineness which had been manifested respecting the situation of Ireland, and the inefficient plans of Lord North for improving the revenue. But the principle adopt-

we could consider, in one view, the beginning, progress, and conclusion of their deliberations. The cause of the public was undertaken and supported by men whose abilities and united authority, to say nothing of the advantageous ground they stood on, might well be thought sufficient to determine a popular question in favour of the people. Neither was the House of Commons so absolutely engaged in defence of the ministry, or even of their own resolutions, but that they might have paid some decent regard to the known disposition of their constituents; and, without any dishonour to their firmness, might have retracted an opinion too hastily adopted, when they saw the alarm it had created, and how strongly it was opposed by the general sense of the nation. The ministry, too, would have consulted their own immediate interest in making some concession satisfactory to the moderate part of the people. Without touching the fact, they might have consented to guard against, or give up, the dangerous principle on which it was established. In this state of things, I think it was highly improbable, at the beginning of the session, that the complaints of the people upon a matter, which, in their apprehension at least, immediately affected the life of the constitution, would be treated with as much contempt by their own representatives, and by the House of Lords, as they had been by the other branch of the legislature. Despairing of their integrity, we had a right to expect something from their prudence, and something from their fears. The Duke of Grafton certainly did not foresee to

ed respecting the Middlesex election was, in our author's opinion, the great evil which chiefly called for removal. For all other disorders he considered to be of but inferior moment, or, to use his own incomparable words, 'No man regards an eruption upon the surface, when the nobler parts are invaded, and he feels a mortification approaching to his heart.'—*Ed.*

what an extent the corruption of a parliament might be carried. He thought, perhaps, that there was still some portion of shame or virtue left in the majority of the House of Commons, or that there was a line in public prostitution beyond which they would scruple to proceed. Had the young man been a little more practised in the world, or had he ventured to measure the characters of other men by his own, he would not have been so easily discouraged.

The prorogation of parliament naturally calls upon us to review their proceedings, and to consider the condition in which they have left the kingdom. I do not question but they have done what is usually called the king's business, much to his majesty's satisfaction : we have only to lament, that, in consequence of a system introduced or revived in the present reign, this kind of merit should be very consistent with the neglect of every duty they owe to the nation. The interval between the opening of the last, and close of the former session, was longer than usual. Whatever were the views of the minister in deferring the meeting of parliament, sufficient time was certainly given to every member of the House of Commons, to look back upon the steps he had taken, and the consequences they had produced. The zeal of party, the violence of personal animosities, and the heat of contention, had leisure to subside. From that period, whatever resolution they took was deliberate and premeditated. In the preceding session, the dependants of the ministry had affected to believe, that the final determination of the question would have satisfied the nation, or at least put a stop to their complaints ; as if the certainty of an evil could diminish the sense of it, or the nature of injustice could be altered by decision. But they found the people of England were in a temper very distant from submission ; and although it was contended that

the House of Commons could not themselves reverse a resolution which had the force and effect of a judicial sentence, there were other constitutional expedients which would have given a security against any similar attempts for the future. The general proposition, in which the whole country had an interest, might have been reduced to a particular fact, in which Mr Wilkes and Mr Luttrell would alone have been concerned. The House of Lords might interpose; the king might dissolve the parliament; or, if every other resource failed, there still lay a grand constitutional writ of error, in behalf of the people, from the decision of one court to the wisdom of the whole legislature. Every one of these remedies has been successively attempted. The people performed their part with dignity, spirit, and perseverance. For many months his majesty heard nothing from his people but the language of complaint and resentment: unhappily for this country, it was the daily triumph of his courtiers, that he heard it with an indifference approaching to contempt.

The House of Commons, having assumed a power unknown to the constitution, were determined not merely to support it in the single instance in question, but to maintain the doctrine in its utmost extent, and to establish the fact as a precedent in law, to be applied in whatever manner his majesty's servants should hereafter think fit. Their proceedings upon this occasion are a strong proof that a decision, in the first instance illegal and unjust, can only be supported by a continuation of falsehood and injustice. To support their former resolutions, they were obliged to violate some of the best known and established rules of the House. In one instance, they went so far as to declare, in open defiance of truth and common sense, that it was not the rule of the House to divide a complicat-

ed question at the request of a member.* But, after trampling upon the laws of the land, it was not wonderful that they should treat the private regulations of their own assembly with equal disregard. The speaker, being young in office, began with pretended ignorance, and ended with deciding for the ministry. We are not surprised at the decision; but he hesitated and blushed at his own baseness, and every man was astonished.†

The interest of the public was vigorously supported in the House of Lords. The right to defend the constitution against an encroachment of the other estates, and the necessity of exerting it at this period, was urged to them with every argument that could be supposed to influence the heart or the understanding. But it soon appeared that they had already taken their part, and were determined to support the House of Commons, not only at the expense of truth and decency, but even by a surrender of their own most important rights. Instead of performing that duty which the constitution expected from them, in return for the dignity and independence of their station, in return for the hereditary share it has given them in the legislature,

* The extravagant resolution appears in the vote of the House; but, in the minutes of the committees, the instances of resolutions contrary to law and truth, or of refusals to acknowledge law and truth when proposed to them, are innumerable.

† When the king first made it a measure of his government to destroy Mr Wilkes, and when, for this purpose, it was necessary to run down privilege, Sir Fletcher Norton, with his usual prostituted effrontery, assured the House of Commons, that he should regard one of their votes no more than a resolution of so many drunken porters. This is the very lawyer whom Ben Jonson describes in the following lines:

“ Gives forked counsel; takes provoking gold
On either hand, and puts it up.
 So wise, so grave, of so perplex'd a tongue,
 And *loud* withal, that would not wag, nor scarce
 Lie still, without a *fee*.”

the majority of them made common cause with the other House in oppressing the people, and established another doctrine as false in itself, and, if possible, more pernicious to the constitution, than that on which the Middlesex election was determined. By resolving, 'that they had no right to impeach a judgment of the House of Commons, in any case whatsoever, where that House has a competent jurisdiction,' they, in effect, gave up that constitutional check and reciprocal control of one branch of the legislature over the other, which is, perhaps, the greatest and most important object provided for by the division of the whole legislative power into three estates: and now let the judicial decisions of the House of Commons be ever so extravagant, let their declarations of the law be ever so flagrantly false, arbitrary, and oppressive to the subject, the House of Lords have imposed a slavish silence upon themselves; they cannot interpose; they cannot protect the subject; they cannot defend the laws of their country. A concession so extraordinary in itself, so contradictory to the principles of their own institution, cannot but alarm the most unsuspecting mind. We may well conclude that the Lords would hardly have yielded so much to the other House without the certainty of a compensation, which can only be made to them at the expense of the people.* The arbitrary power they have assumed, of imposing fines, and committing during pleasure, will now be exercised in its full extent. The House of Commons are too much in their debt to question or interrupt their proceedings. The crown too, we may be well assured, will lose nothing in

* The man, who resists and overcomes this iniquitous power, assumed by the lords, must be supported by the whole people. We have the laws on our side, and want nothing but an intrepid leader. When such a man stands forth, let the nation look to it. It is not his cause, but our own.

this new distribution of power. After declaring, that, to petition for a dissolution of parliament is irreconcilable with the principles of the constitution, his majesty has reason to expect that some extraordinary compliment will be returned to the royal prerogative. The three branches of the legislature seem to treat their separate rights and interests as the Roman triumvirs did their friends; they reciprocally sacrifice them to the animosities of each other; and establish a detestable union among themselves, upon the ruin of the laws and liberty of the commonwealth. Through the whole proceedings of the House of Commons, in this session, there is an apparent, a palpable consciousness of guilt, which has prevented their daring to assert their own dignity, where it has been immediately and grossly attacked. In the course of Dr Musgrave's examination, he said every thing that can be conceived mortifying to individuals, or offensive to the House. They voted his information frivolous; but they were awed by his firmness and integrity, and sunk under it.* The terms in which the sale of a patent to Mr Hine were communicated

* The examination of this firm honest man is printed for *Almon*. The reader will find it a most curious and most interesting tract. Doctor Musgrave, with no other support but truth and his own firmness, resisted and overcame the whole House of Commons.—*Author*.

Doctor Musgrave was bred a physician, and practised in that line at Paris in 1765. His name is known to literary men as the editor of some of the tragedies of Euripides. He published an address to the freeholders of Devonshire, stating, that he had good reason to believe that the Princess Dowager of Wales and Lord Bute received money from the court of France for giving their aid in bringing about the peace. The doctor was examined at the bar of the House of Commons on this subject, and instead of retracting his assertion, he repeated it, and advanced facts or circumstances calculated to render it probable. His examination was published in most of the public papers of that period; but the House voted his information frivolous and unworthy of credit.—*Ed.*

to the public, naturally called for a parliamentary inquiry. The integrity of the House of Commons was directly impeached: but they had not courage to move in their own vindication, because the inquiry would have been fatal to Colonel Burgoyne and the Duke of Grafton. When Sir George Saville branded them with the name of traitors to their constituents, when the lord mayor, the sheriffs, and Mr Trecothick expressly avowed and maintained every part of the city remonstrance, why did they tamely submit to be insulted? Why did they not immediately expel those refractory members? Conscious of the motives on which they had acted, they prudently preferred infamy to danger, and were better prepared to meet the contempt, than to rouse the indignation of the whole people. Had they expelled those five members, the consequences of the new doctrine of incapacitation would have come immediately home to every man. The truth of it would then have been fairly tried, without any reference to Mr Wilkes's private character, or the dignity of the House, or the obstinacy of one particular county. These topics, I know, have had their weight with men, who, affecting a character of moderation, in reality consult nothing but their own immediate ease; who are weak enough to acquiesce under a flagrant violation of the laws when it does not directly touch themselves; and care not what injustice is practised upon a man whose moral character they piously think themselves obliged to condemn. In any other circumstances, the House of Commons must have forfeited all credit and dignity, if, after such gross provocation, they had permitted those five gentlemen to sit any longer among them. We should then have seen and felt the operation of a precedent, which is represented to be perfectly barren and harmless. But there is a set of men in this country, whose understandings measure the violation of law by the magnitude of the instance,

not by the important consequences which flow directly from the principle ; and the minister, I presume, did not think it safe to quicken their apprehensions too soon. Had Mr Hampden reasoned and acted like the moderate men of these days, instead of hazarding his whole fortune in a lawsuit with the crown, he would have quietly paid the twenty shillings demanded of him ; the Stuart family would probably have continued upon the throne ; and at this moment the imposition of ship-money would have been an acknowledged prerogative of the crown.

What then has been the business of the session, after voting the supplies, and confirming the determination of the Middlesex election ? The extraordinary prorogation of the Irish parliament,* and the just discontents of that kingdom, have been passed by without notice. Neither the general situation of our colonies, nor that particular distress which forced the inhabitants of Boston to take up arms in their defence, have been thought worthy of a moment's consideration. In the repeal of those acts which were most offensive to America, the parliament have done every thing but remove the offence. They have relinquished the revenue, but judiciously taken care to preserve the contention. It is not pretended that the continuation of the tea-duty† is to produce any direct benefit whatsoever to the mother country. What is it then, but an odious, unprofitable exertion of a speculative right, and

* In the Irish legislature a law had lately passed, by which its parliaments were made octennial, instead of being of longer duration. But the parliament that passed this law was dissolved in a very short time ; and Junius insinuates, that this was done in the hope of a more pliant assembly being found.—*Ed.*

† After the repeal of the stamp act several other articles were successively proposed for obtaining a revenue from America, among which the one last insisted on was tea.—*Ed.*

fixing a badge of slavery upon the Americans, without service to their masters? But it has pleased God to give us a ministry and a parliament, who are neither to be persuaded by argument, nor instructed by experience.

Lord North, I presume, will not claim any extraordinary merit from any thing he has done this year, in the improvement or application of the revenue. A great operation, directed to an important object, though it should fail of success, marks the genius and elevates the character of a minister. A poor contracted understanding deals in little schemes, which dishonour him if they fail, and do him no credit when they succeed. Lord North had fortunately the means in his possession of reducing all the four *per cents.* at once. The failure of his first enterprise in finance is not half so disgraceful to his reputation as a minister, as the enterprise itself is injurious to the public. Instead of striking one decisive blow, which would have cleared the market at once, upon terms proportioned to the price of the four *per cents.* six weeks ago, he has tampered with a pitiful portion of a commodity which ought never to have been touched but in gross. He has given notice to the holders of that stock, of a design formed by government to prevail upon them to surrender it by degrees, consequently has warned them to hold up and enhance the price : so that the plan of reducing the four *per cents.* must either be dropped entirely, or continued with an increasing disadvantage to the public. The minister's sagacity has served to raise the value of the thing he means to purchase, and to sink that of the three *per cents.* which it is his purpose to sell. In effect, he has contrived to make it the interest of the proprietor of the four *per cents.* to sell out, and buy three *per cents.* in the market, rather than subscribe his stock upon any terms that can possibly be offered by government.

The state of the nation leads us naturally to con-

sider the situation of the king. The prorogation of parliament has the effect of a temporary dissolution. The odium of measures adopted by the collective body sits lightly upon the separate members who composed it. They retire into summer quarters, and rest from the disgraceful labours of the campaign. But as for the sovereign, *it is not so with him*: he has a permanent existence in this country; he cannot withdraw himself from the complaints, the discontents, the reproaches of his subjects. They pursue him to his retirement, and invade his domestic happiness, when no address can be obtained from an obsequious parliament to encourage or console him. In other times, the interest of the king and people of England was, as it ought to be, entirely the same. A new system has not only been adopted in fact, but professed upon principle. Ministers are no longer the public servants of the state, but the private domestics of the sovereign. One particular class of men are permitted to call themselves the king's friends, as if the body of the people were the king's enemies; or, as if his majesty looked for a resource or consolation in the attachment of a few favourites, against the general contempt or detestation of his subjects. Edward and Richard the Second made the same distinction between the collective body of the people, and a contemptible party, who surrounded the throne. The event of their mistaken conduct might have been a warning to their successors. Yet the errors of those princes were not without excuse. They had as many false friends as our present gracious sovereign, and infinitely greater temptations to seduce them. They were neither sober, religious, nor demure. Intoxi-

* "An ignorant, mercenary, and servile crew; unanimous in evil, diligent in mischief, variable in principles, constant to flattery, talkers for liberty, but slaves to power: styling themselves the court party, and the prince's only friends."
—*Davenant*.

cated with pleasure, they wasted their inheritance in pursuit of it. Their lives were like a rapid torrent, brilliant in prospect, though useless or dangerous in its course. In the dull, unanimated existence of other princes, we see nothing but a sickly stagnant water, which taints the atmosphere, without fertilizing the soil. The morality of a king is not to be measured by vulgar rules. His situation is singular: there are faults which do him honour, and virtues that disgrace him. A faultless, insipid equality, in his character, is neither capable of virtue or vice in the extreme; but it secures his submission to those persons whom he has been accustomed to respect, and makes him a dangerous instrument of *their* ambition. Secluded from the world, attached from his infancy to one set of persons, and one set of ideas, he can neither open his heart to new connexions, nor his mind to better information. A character of this sort is the soil fittest to produce that obstinate bigotry in politics and religion, which begins with a meritorious sacrifice of the understanding, and finally conducts the monarch and the martyr to the block.

At any other period, I doubt not, the scandalous disorders which have been introduced into the government of all the dependencies in the empire, would have roused the attention of the public. The odious abuse and prostitution of the prerogative at home; the unconstitutional employment of the military; the arbitrary fines and commitments by the House of Lords and court of King's Bench; the mercy of a chaste and pious prince extended cheerfully to a wilful murderer, because that murderer is the brother of a common prostitute;* would, I think,

* Miss Kennedy.—*Author.*

This lady is understood to have been a favourite of several men of rank and influence; and by their efforts, the lives of her two brothers, who had been condemned for the murder of a watchman, were saved.—*Ed.*

at any other time, have excited universal indignation. But the daring attack upon the constitution, in the Middlesex election, makes us callous and indifferent to inferior grievances. No man regards an eruption upon the surface, when the noble parts are invaded, and he feels a mortification approaching to his heart. The free election of our representatives in parliament comprehends, because it is, the source and security of every right and privilege of the English nation. The ministry have realised the compendious ideas of Caligula. They know that the liberty, the laws, and property of an Englishman, have, in truth, but one neck, and that, to violate the freedom of election, strikes deeply at them all.

JUNIUS.

 LETTER XL.*

To Lord North.

MY LORD,

August 22, 1770.

MR LUTTRELL's services were the chief support and ornament of the Duke of Grafton's administration. The honour of rewarding them was reserved for your lordship. The duke, it seems, had contracted an obligation he was ashamed to acknowledge, and unable to acquit. You, my lord, had

* This letter relates to the appointment of Colonel Luttrell to the office of adjutant-general to the army in Ireland,—an appointment which Junius contemplates under the twofold light, of its being, in the first place, a reward for the zeal of the colonel in the Middlesex election, and in the second place, of its being a preparation for those eventual attacks upon the liberty of the country by the fear of which our author's mind was haunted.—*Ed.*

no scruples. You accepted the succession with all its encumbrances, and have paid Mr Luttrell his legacy, at the hazard of ruining the estate.

When this accomplished youth declared himself the champion of government, the world was busy, inquiring what honours or emoluments could be a sufficient recompense to a young man of his rank and fortune, for submitting to mark his entrance into life with the universal contempt and detestation of his country. His noble father had not been so precipitate. To vacate his seat in parliament; to intrude upon a county in which he had no interest or connexion; to possess himself of another man's right, and to maintain it in defiance of public shame, as well as justice, bespoke a degree of zeal, or of depravity, which all the favour of a pious prince could hardly requite. I protest, my lord, there is in this young man's conduct a strain of prostitution, which, for its singularity, I cannot but admire. He has discovered a new line in the human character; he has degraded even the name of Luttrell, and gratified his father's most sanguine expectations.

The Duke of Grafton, with every possible disposition to patronize this kind of merit, was contented with pronouncing Colonel Luttrell's panegyric. The gallant spirit, the disinterested zeal of the young adventurer, were echoed through the House of Lords. His grace repeatedly pledged himself to the House, as an evidence of the purity of his friend Mr Luttrell's intentions, that he had engaged without any prospect of personal benefit, and that the idea of compensation would mortally offend him.* The noble duke could hardly be in earnest; but he had lately quitted his employment, and began to think it necessary to take some care of his reputation. At that very moment the Irish negotiation

* He now says that his great object is the rank of colonel, and that he *will* have it.

was probably begun. Come forward, thou worthy representative of Lord Bute, and tell this insulted country, who advised the king to appoint Mr Luttrell adjutant-general to the army in Ireland. By what management was Colonel Cuninghame prevailed on to resign his employment, and the obsequious Gisborne to accept of a pension for the government of Kinsale? Was it an original stipulation with the princess of Wales; or does he owe his preferment to your lordship's partiality, or to the Duke of Bedford's friendship? My Lord, though it may not be possible to trace this measure to its source, we can follow the stream, and warn the country of its approaching destruction. The English nation must be roused, and put upon its guard. Mr Luttrell has already shown us how far he may be trusted, whenever an open attack is to be made upon the liberties of this country. I do not doubt that there is a deliberate plan formed. Your lordship best knows by whom. The corruption of the legislative body on this side, a military force on the other, and then, *farewell to England!* It is impossible that any minister shall dare to advise the king to place such a man as Luttrell in the confidential post of adjutant-general, if there were not some secret purpose in view, which only such a man as Luttrell is fit to promote. The insult of-

* This infamous transaction ought to be explained to the public. Colonel Gisborne was quarter-master-general in Ireland. Lord Townshend persuades him to resign to a Scotch officer, one Frazer, and gives him the government of Kinsale. Colonel Cuninghame was adjutant-general in Ireland. Lord Townshend offers him a pension, to induce him to resign to Luttrell. Cuninghame treats the offer with contempt. What's to be done? Poor Gisborne must move once more. He accepts of a pension of £500 a year, until a government of greater value shall become vacant. Colonel Cuninghame is made governor of Kinsale; and Luttrell, at last, for whom the whole machinery is put in motion, becomes adjutant-general, and, in effect, takes the command of the army in Ireland.

ferred to the army, in general, is as gross as the outrage intended to the people of England. What! Lieutenant Colonel Luttrell adjutant-general of an army of sixteen thousand men! One would think his majesty's campaigns at Blackheath and Wimbledon might have taught him better. I cannot help wishing General Harvey joy of a colleague who does so much honour to the employment. But, my lord, this measure is too daring to pass unnoticed, too dangerous to be received with indifference or submission. You shall not have time to new model the Irish army. They will not submit to be garbled by Colonel Luttrell. As a mischief to the English constitution (for he is not worth the name of enemy, they already detest him. As a boy, impudently thrust over their heads, they will receive him with indignation and contempt. As for you, my lord, who, perhaps, are no more than the blind, unhappy instrument of Lord Bute, and her Royal Highness the Princess of Wales, be assured, that you shall be called upon to answer for the advice which has been given, and either discover your accomplices, or fall a sacrifice to their security.* JUNIUS.

LETTER XLI.†

To the Right Honourable Lord Mansfield.

MY LORD,

November 14, 1770.

THE appearance of this letter will attract the curiosity of the public, and command even your lordship

* Colonel Luttrell very soon resigned the office which had thus been conferred on him; and Junius claimed a share in the merit of having procured his resignation.—*Ed.*

† Lord Mansfield was obnoxious to Junius on several accounts. In the first place, he presided at the trial of Woo

attention. I am considerably in your debt, and shall endeavour, once for all, to balance the account. Accept of this address, my lord, as a prologue to more important scenes, in which you will probably be called upon to act or suffer.

You will not question my veracity, when I assure you, that it has not been owing to any particular respect for your person that I have abstained from you so long. Besides the distress and danger with which the press is threatened, when your lordship is party, and the party is to be judge, I confess I have been deterred by the difficulty of the task. Our language has no term of reproach, the mind has no idea of detestation, which has not already been happily applied to you, and exhausted. Ample justice has been done, by abler pens than mine, to the separate merits of your life and character. Let it be my humble office to collect the scattered sweets till their united virtue tortures the sense.

Permit me to begin with paying a just tribute to Scotch sincerity,* wherever I find it. I own, I am

fall, for publishing the celebrated letter to the king. In the second place, he was suspected of being much inclined, in his capacity of a judge, to assume more power than was consistent with the purity of his own office, or with the welfare of the people. And, in the last place, he was perhaps the most distinguished support, in his capacity of a minister, of the measures of the court. For all these reasons it must have been expected, that when Junius addressed a letter to this celebrated judge, it would be finished with all the care and talent which the author could command; and the following letter may accordingly be considered as one of the most perfect in all respects which is contained in the volume. The language is exquisitely polished, the argument is clear and easily intelligible throughout, and there is more general discussion, with less allusion to technical phrases, than in most of the other principal letters.—*Ed.*

* The frequent attacks made by Junius on the honesty of the Scots, are easily accounted for by the ill-will which the supposed influence of Lord Bute had created at that time among a great portion of the natives of England; and perhaps may also be partly explained by the manner peculiar to the natives of Scotland, which certainly is different from the frank and downright style of conduct adopted by their

not apt to confide in the professions of gentlemen of that country; and, when they smile, I feel an involuntary emotion to guard myself against mischief. With this general opinion of an ancient nation, I always thought it much to your lordship's honour, that, in your earlier days, you were but little infected with the prudence of your country. You had some original attachments, which you took every proper opportunity to acknowledge. The liberal spirit of youth prevailed over your native discretion. Your zeal in the cause of an unhappy prince was expressed with the sincerity of wine, and some of the solemnities of religion.* This, I conceive, is the most amiable point of view in which your character has appeared. Like an honest man, you took that part in politics, which might have been expected from your birth, education, country, and connexions. There was something generous in your attachment to the banished house of Stuart. We lament the mistakes of a good man, and do not begin to detest him until he affects to renounce his principles. Why

neighbours south of the Tweed. But the first of these causes has long since ceased to operate; and experience has abundantly shown, that the reserve of Scotchmen is not only capable of being associated with as much bravery and generosity, but assuredly with as much true-heartedness, as have been displayed by the natives of any country whatever.—*Ed.*

* This man was always a rank Jacobite. Lord Ravensworth produced the most satisfactory evidence of his having frequently drank the pretender's health on his knees.—*Au.*

The family of Lord Mansfield had owed its elevation to James the First; and there is no question, that both the celebrated chief justice and his brother were at one period attached to the cause of the pretender. Indeed, Lord Mansfield's brother was private secretary to Charles Edward, a circumstance to which Junius has made repeated allusions. The fact of Lord Mansfield himself having drank the pretender's health upon his knees, was only discovered by the pertinacious hostility of Liddel, Lord Ravensworth, who, from jealousy of the chief justice's influence, during the more advanced years of his life, industriously sought for matter of calumny against him, derived from his conduct when he was young, and a student in the Temple.—*Ed.*

did you not adhere to that loyalty you once professed? Why did you not follow the example of your worthy brother? * With him you might have shared in the honour of the pretender's confidence; with him you might have preserved the integrity of your character, and England, I think, might have spared you without regret. Your friends will say, perhaps, that, although you deserted the fortune of your liege lord, you have adhered firmly to the principles which drove his father from the throne; that, without openly supporting the person, you have done essential service to the cause; and consoled yourself for the loss of a favourite family, by reviving and establishing the maxims of their government. This is the way in which a Scotchman's understanding corrects the errors of his heart. My lord, I acknowledge the truth of the defence, and can trace it through all your conduct. I see through your whole life one uniform plan to enlarge the power of the crown, at the expense of the liberty of the subject. To this object your thoughts, words, and actions, have been constantly directed. In contempt or ignorance of the common law of England, you have made it your study to introduce into the court where you preside, maxims of jurisprudence unknown to Englishmen. The Roman code, the law of nations, and the opinion of foreign civilians, are your perpetual theme; but who ever heard you mention *Magna Charta*, or the Bill of Rights, with approbation or respect? By such treacherous arts the noble simplicity and free spirit of our Saxon laws were first corrupted. The Norman conquest was not complete, until Norman lawyers had introduced their laws, and reduced slavery to a system. This one leading principle directs your interpretation of the laws, and accounts for your treatment of juries. It is not in

* Confidential secretary to the late pretender. This circumstance confirmed the friendship between the brothers.

political questions only (for there the courtier might be forgiven), but let the cause be what it may, your understanding is equally on the rack, either to contract the power of the jury, or to mislead their judgment. For the truth of this assertion, I appeal to the doctrine you delivered in Lord Grosvenor's cause.* An action for criminal conversation being brought by a peer against a prince of the blood, you were daring enough to tell the jury, that, in fixing the damages, they were to pay no regard to the quality or fortune of the parties; that it was a trial between A and B; that they were to consider the offence in a moral light only, and give no greater damages to a peer of the realm, than to the meanest mechanic. I shall not attempt to refute a doctrine, which, if it was meant for law, carries falsehood and absurdity upon the face of it; but, if it was meant for a declaration of your political creed, is clear and consistent. Under an arbitrary government, all ranks and distinctions are confounded: the honour of a nobleman is no more considered than the reputation of a peasant; for, with different liveries, they are equally slaves.

Even in matters of private property, we see the same bias and inclination to depart from the decisions of your predecessors, which you certainly ought to receive as evidence of the common law. Instead of those certain positive rules by which the judgment of a court of law should invariably be determined, you have fondly introduced your own unsettled notions of equity and substantial justice. Decisions given upon such principles do not alarm the public so much as they ought, because the consequence and tendency of each particular instance is

* The allusion here is to the speech of Lord Mansfield, in a case in which Lord Grosvenor was pursuer, and the Duke of Cumberland defendant; the action being for criminal conversation on the part of the Duke with Lady Grosvenor. —Ed.

not observed or regarded. In the meantime, the practice gains ground ; the court of King's Bench becomes a court of equity ; and the judge, instead of consulting strictly the law of the land, refers only to the wisdom of the court, and to the purity of his own conscience. The name of Mr Justice Yates* will naturally revive in your mind some of those emotions of fear and detestation with which you always beheld him. That great lawyer, that honest man, saw your whole conduct in the light that I do. After years of ineffectual resistance to the pernicious principles introduced by your lordship, and uniformly supported by your *humble friends* upon the bench, he determined to quit a court, whose proceedings and decisions he could neither assent to with honour, nor oppose with success.

The injustice done to an individual† is sometimes of service to the public. Facts are apt to alarm us more than the most dangerous principles. The sufferings and firmness of a printer have roused the public attention. You knew and felt that your conduct would not bear a parliamentary inquiry ; and you hoped to escape it by the meanest, the basest sacrifice of dignity and consistency that ever was made by a great magistrate. Where was your firmness, where was that vindictive spirit, of which we have seen so many examples, when a man so inconsiderable as Bingley‡ could force you to confess, in

* Judge Yates sat for many years upon the same bench with Lord Mansfield, and was frequently in opposition to what he considered to be the arbitrary and unconstitutional doctrines of the chief justice. At last, Judge Yates relinquished his seat in the King's Bench to Lord Mansfield and the other judges who are here called his *humble friends*, and accepted the junior judgeship of the Common Pleas. He died very soon after this change.—*Ed.*

† The oppression of an obscure individual gave birth to the famous Habeas Act of 31 Car. II., which is frequently considered as another Magna Charta of this kingdom.

Blackstone, iii. 135.

‡ The case of Bingley was before alluded to. Letter 7. This man was by trade an obscure pamphlet seller, and had

the face of this country, that, for two years together, you had illegally deprived an English subject of his liberty, and that he had triumphed over you at last? Yet, I own, my lord, that yours is not an uncommon character. Women, and men like women, are timid, vindictive, and irresolute. Their passions counteract each other, and make the same creature at one moment hateful, at another contemptible. I fancy, my lord, some time will elapse before you venture to commit another Englishman for refusing to answer interrogatories.*

The doctrine you have constantly delivered, in cases of libel, is another powerful evidence of a settled plan to contract the legal power of juries, and to draw questions, inseparable from fact, within the *arbitrium* of the court. Here, my lord, you have fortune on your side. When you invade the province of the jury, in matter of libel, you, in effect, attack the liberty of the press, and, with a single stroke, wound two of your greatest enemies. In some instances you have succeeded, because jurymen are too often ignorant of their own rights, and too apt to be awed by the authority of a chief justice. In other criminal prosecutions, the malice of the design is confessedly as much the subject of consideration to a jury as the certainty of the fact. If a different doctrine prevails in the case of libels, why

been cited as a witness for the crown in some of the actions against Wilkes; but he would answer questions neither on the one side nor the other, and after having lain two years in prison, he was discharged as irreclaimably obstinate.—(*Vide following note.*)—Ed.

* Bingley was committed for contempt, in not submitting to be examined. He lay in prison two years, until the crown thought the matter might occasion some serious complaint, and therefore he was let out, in the same contumelious state he had been put in, with all his sins about him, unanointed and unanealed. There was much coquetry between the court and the attorney-general, about who should undergo the ridicule of letting him escape.—*Vide another Letter to Almon*, p. 189.

should it not extend to *all* criminal cases? Why not to capital offences? I see no reason (and I dare say you will agree with me, that there is no good one) why the life of the subject should be better protected against you than his liberty or property. Why should you enjoy the full power of pillory, fine, and imprisonment, and not be indulged with hanging or transportation? With your lordship's fertile genius and merciful disposition, I can conceive such an exercise of the power you have, as could hardly be aggravated by that which you have not.

But, my lord, since you have laboured (and not unsuccessfully) to destroy the substance of *the trial*, why should you suffer the form of the *verdict* to remain? Why force twelve honest men, in palpable violation of their oaths, to pronounce their fellow-subject a *guilty* man, when, almost at the same moment, you forbid their inquiring into the only circumstance which, in the eye of law and reason, constitutes guilt—the malignity or innocence of his intentions? But I understand your lordship. If you could succeed in making the trial by jury useless and ridiculous, you might then, with greater safety, introduce a bill into parliament for enlarging the jurisdiction of the court, and extending your favourite trial by interrogatories to every question in which the life or liberty of an Englishman is concerned.*

* The philosophical poet notably describes the damnable and damned proceedings of the judge of hell,

‘Gnossius hæc Rhadamanthus habet durissima regna,
Castigatque, auditque dolos, subigitque fateri.’

First he punisheth, and *then* he heareth, and lastly compelleth to confess, and makes and mars laws at his pleasure: like as the centurion, in the holy history, did to St Paul; for the text saith, ‘Centurio apprehendi Paulum jussit, et se catenis alligari, et *tunc interrogabat*, quis fuisset, et quid fecisset.’ But good judges and justices abhor these courses. *Coke, 2 Inst. 55.*

Your charge to the jury, in the prosecution against Almon and Woodfall, contradicts the highest legal authorities, as well as the plainest dictates of reason. In Miller's cause, and still more expressly in that of Baldwin, you have proceeded a step farther, and grossly contradicted yourself.* You may know, perhaps, though I do not mean to insult you by an appeal to your experience,† that the language of truth is uniform and consistent. To depart from it safely, requires memory and discretion. In the two last trials, your charge to the jury began, as usual, with assuring them, that they had nothing to do with the law; that they were to find the bare fact, and not concern themselves about the legal inferences drawn from it, or the degree of the defendant's guilt. Thus far you were consistent with your former practice. But how will you account for the conclusion? You told the jury, that 'if, after all, they would take upon themselves to determine the law, *they might do it*, but they must be very sure that they determined according to law; for it touched their consciences, and they acted at their peril.' If I understand your first proposition, you mean to affirm, that the jury were not competent judges of the law in the criminal case of a libel; that it did not fall within *their* jurisdiction: and that with respect to *them*, the malice or innocence of the defendant's intentions would be a question *coram non judice*. But the second proposition clears away your own difficulties, and restores the jury to all their judicial capacities.‡ You make the competence of the court

* These persons had all been prosecuted for publishing the letter to the king.—*Ed.*

† The bitterness of this insult cannot be mistaken.—*Ed.*

‡ Directly the reverse of the doctrine he constantly maintained in the House of Lords, and elsewhere, upon the decision of the Middlesex election. He invariably asserted, that the decision must be *legal* because the court was *competent*; and never could be prevailed on to enter farther into the question.

to depend upon the legality of the decision. In the first instance, you deny the power absolutely : in the second, you admit the power, provided it be legally exercised. Now, my lord, without pretending to reconcile the distinctions of Westminster-hall with the simple information of common sense, or the integrity of fair argument, I shall be understood by your lordship, when I assert, that, if a jury, or any other court of judicature (for jurors are judges), have no right to enter into a cause or question of law, it signifies nothing whether their decision be or be not according to law. Their decision is, in itself, a mere nullity : the parties are not bound to submit to it : and, if the jury run any risk of punishment, it is not for pronouncing a corrupt or illegal verdict, but for the illegality of meddling with a point on which they have no legal authority to decide.*

I cannot quit this subject without reminding your lordship of the name of Mr Benson. Without offering any legal objection, you ordered a special jurymen to be set aside,† in a cause where the king was prosecutor. The novelty of the fact required explanation. Will you condescend to tell the world by what law or custom you were authorised to make a peremptory challenge of a jurymen ? The parties, indeed, have this power ; and, perhaps, your lordship, having accustomed yourself to unite the characters of judge and party, may claim it in virtue of the new capacity you have assumed, and profit by your own wrong. The time within which you

* These iniquitous prosecutions cost the best of princes six thousand pounds, and ended in the total defeat and disgrace of the prosecutors. In the course of one of them, Judge Aston had the unparalleled impudence to tell Mr Morris, a gentleman of unquestionable honour and integrity, and who was then giving his evidence on oath, that *he should pay very little regard to any affidavit he should make.*

† The defenders of Lord Mansfield, however, maintained, that this setting aside of Benson was done with consent of both parties, and was therefore perfectly legal.—*Ed.*

might have been punished for this daring attempt to pack a jury, is, I fear, elapsed ; but no length of time shall erase the record of it.

The mischiefs you have done this country are not confined to your interpretation of the laws. You are a minister, my lord ; and, as such, have long been consulted. Let us candidly examine what use you have made of your ministerial influence. I will not descend to little matters, but come at once to those important points on which your resolution was waited for, on which the expectation of your opinion kept a great part of the nation in suspense. A constitutional question arises upon a declaration of the law of parliament, by which the freedom of election, and the birthright of the subject, were supposed to have been invaded.* The king's servants are accused of violating the constitution. The nation is in a ferment. The ablest men of all parties engage in the question, and exert their utmost abilities in the discussion of it. What part has the honest Lord Mansfield acted ? As an eminent judge of the law, his opinion would have been respected. As a peer, he had a right to demand an audience of his sovereign, and inform him, that his ministers were pursuing unconstitutional measures. Upon other occasions, my lord, you have no difficulty in finding your way into the closet. The pretended neutrality of belonging to no party will not save your reputation. In a question merely political, an honest man may stand neuter. But the laws and constitution are the general property of the subject : not to defend, is to relinquish : and who is there so senseless as to renounce his share in a common benefit, unless he hopes to profit by a new division of the spoil ? As a lord of parliament, you were repeatedly called

* The reader will readily perceive, that the allusion here made is to the great question which originated in the rejection of Wilkes and acceptance of Luttrell.—*Ed.*

upon to condemn or defend the new law declared by the House of Commons. You affected to have scruples, and every expedient was attempted to remove them. The question was proposed and urged to you in a thousand different shapes. Your prudence still supplied you with evasion ; your resolution was invincible. For my own part, I am not anxious to penetrate this solemn secret. I care not to whose wisdom it is intrusted, nor how soon you carry it with you to your grave.* You have betrayed your opinion by the very care you have taken to conceal it. It is not from Lord Mansfield that we expect any reserve in declaring his real sentiments in favour of government, or in opposition to the people ; nor is it difficult to account for the motions of a timid, dishonest heart, which neither has virtue enough to acknowledge truth, nor courage to contradict it. Yet you continue to support an administration which you know is universally odious, and which, on some occasions, you yourself speak of with contempt. You would fain be thought to take no share in government, while, in reality, you are the main spring of the machine. Here, too, we trace the *little*, prudential policy of a Scotchman. Instead of acting that open, generous part which becomes your rank and station, you meanly skulk into the closet, and give your sovereign such advice as you have not spirit to avow or defend. You secretly engross the power, while you decline the title of a minister ; and though you dare not be chancellor, you know how to secure the emoluments of the office. Are the seals to be for ever in commission, that you may enjoy five thousand pounds a year ?† I beg pardon, my lord ; your fears have in-

* He said, in the House of Lords, that he believed he should carry his opinion with him to the grave. It was afterwards reported, that he had intrusted it in special confidence to the ingenious Duke of Cumberland.

† On the death of Chancellor York, the great seal was put

terposed at last, and forced you to resign. The odium of continuing speaker of the House of Lords, upon such terms, was too formidable to be resisted. What a multitude of bad passions are forced to submit to a constitutional infirmity ! * But though you have relinquished the salary, you still assume the rights of a minister. Your conduct, it seems, must be defended in parliament. For what other purpose is your wretched friend, that miserable serjeant, posted to the House of Commons ? Is it in the abilities of a Mr Leigh to defend the great Lord Mansfield ? Or is he only the punch of the puppet-show, to speak as he is prompted by the chief juggler behind the curtain ? †

In public affairs, my lord, cunning, let it be ever so well wrought, will not conduct a man honourably through life. Like bad money, it may be current for a time, but it will soon be cried down. It cannot consist with a liberal spirit, though it be sometimes united with extraordinary qualifications. When I acknowledge your abilities, you may believe I am sincere. I feel for human nature, when I see a man, so gifted as you are, descend to such vile practices. Yet do not suffer your vanity to console you too soon. Believe me, my good lord, you are not admired in the same degree in which you are detested. It is only the partiality of your friends that balances the defects of your heart with the superiority of your understanding. No learned man, even among your

in commission, the names of the commissioners being Sir Sydney Stafford Smythe, the Hon. Henry Bathurst, and Sir Richard Aston. At the same time, Lord Mansfield was made speaker of the House of Lords, with a salary of £5000. When Lord Apsley succeeded Mr Yorke, he also took the office of speaker.—*Ed.*

* Notwithstanding the high principles attributed to Lord Mansfield, he is frequently accused by Junius of having been constitutionally timid.—*Ed.*

† This paragraph gagged poor Leigh. I am really concerned for the man, and wish it were possible to open his mouth. He is a very pretty orator.

own tribe, thinks you qualified to preside in a court of common law; yet it is confessed, that, under *Justinian*, you might have made an incomparable *prætor*. It is remarkable enough, but I hope not ominous, that the laws you understand best, and the judges you affect to admire most, flourished in the decline of a great empire, and are supposed to have contributed to its fall.

Here, my lord, it may be proper for us to pause together. It is not for my own sake that I wish you to consider the delicacy of your situation. Beware how you indulge the first emotions of your resentment. This paper is delivered to the world, and cannot be recalled. The prosecution of an innocent printer cannot alter facts, nor refute arguments. Do not furnish me with farther materials against yourself. An honest man, like the true religion, appeals to the understanding, or modestly confides in the internal evidence of his conscience. The impostor employs force instead of argument, imposes silence where he cannot convince, and propagates his character by the sword.

JUNIUS.

LETTER XLII.*

To the Printer of the Public Advertiser.

SIR,

January 30, 1771.

IF we recollect in what manner the *king's friends* have been constantly employed, we shall have no

* The following short account of the transactions relating to Falkland islands, seems to be a necessary introduction to this letter :

The islands called by us the Falkland islands, and by the French, ' les Maloines,' which lie not far from the straits of

reason to be surprised at any condition of disgrace to which the once respected name of Englishmen

Magellan, on the coast of South America, were discovered by the English navigator Davies, in the year 1592. The islands consist of two larger and many of smaller size, and are divided by deep intersections of water; they are bleak, barren, and marshy, and seem, for two hundred years after their discovery, to have been abandoned, as of no value, by every power in Europe.

In the year 1764, however, a squadron was sent out under the command of Commodore Byron, with the view of taking possession of these islands. A settlement was accordingly made, and a small fort erected in the vicinity of a commodious harbour, to which the name of Port Egmont was given, in honour of the first Lord of the Admiralty. It happened, that nearly about the same time, a small settlement had been made on another of the islands by the French, who subsequently transferred the sovereignty of it to Spain. It was also universally known, that the Spanish government had long claimed a right, not only to the greater part of South America, but to all the islands on the various coasts and seas by which that continent is surrounded. These circumstances led to disputes between the commanders of English and Spanish ships, which had happened to meet in that climate; and at last a squadron was despatched by the Spanish governor of Buenos Ayres, named Buccarelli, to drive the English from the islands, and to take possession of them for the King of Spain. Nor was this all—the fort having speedily surrendered, the Spaniards proceeded to detain the only English vessel which happened to be there till they should have time to inform the court of Spain of what they had done; and for this purpose they ordered the rudder of the English vessel to be taken off, and kept on shore, for the space of twenty days.

In consequence of these transactions, the king's speech, at the opening of the ensuing session of parliament, commenced with the following words:—"My Lords and Gentlemen, when I last met you in parliament, I renewed to you the assurances which I had before given you, that it was my fixed purpose to preserve the general tranquillity, maintaining at the same time the honour of my crown, together with the just rights and interests of my people; and it was with much satisfaction, that I indulged the hope of being still able to continue to my subjects the enjoyment of peace, with honour and security. Since that time, those very considerations, which I then promised you that I would never sacrifice even to the desire of peace, have laid me under an indispensable necessity of *preparing for a different situation*

"By the act of the governor of Buenos Ayres, in seizing by

may be degraded. His majesty has no cares, but such as concern the laws and constitution of this country. In his royal breast there is no room left for resentment, no place for hostile sentiments against the natural enemies of his crown. The system of government is uniform: violence and oppression at home can only be supported by treachery and submission abroad. When the civil rights of the people are daringly invaded on one side, what have we to expect, but that their political rights should be deserted and betrayed, in the same proportion, on the other? The plan of domestic policy which has been invariably pursued from the moment of his

force one of my possessions, the honour of my crown, and the security of my people's rights, were become deeply affected. Under these circumstances I did not fail to make an immediate demand from the court of Spain, of such satisfaction as I had a right to expect for the injury I had received. I directed also the necessary preparations to be made without loss of time for enabling me to do myself justice, in case my requisition to the court of Spain should fail of procuring it for me; and these preparations, you may be assured, I shall not think it expedient to discontinue, until I shall have received proper reparation for the injury, as well as satisfactory proof that other powers are equally sincere with myself in the resolution to preserve the general tranquillity of Europe."

In consequence of the negotiation into which his majesty had thus entered with the crown of Spain, it was proposed by the latter power, that his catholic majesty should disavow having given *any particular orders* to the governor of Buenos Ayres for making the seizure complained of. At the same time, the court of Spain maintained, that the governor had acted conformably to his *general* instructions, and to his oath as governor; that court further reserved any discussion of the prior right of Spain to the islands in question; but it was proposed at the same time, that the affront offered to Great Britain should be redressed, by the restoration of every thing that had been taken, and by putting the whole island in precisely the same state in which it had been at the time of the capture.

It ought to be added, however, that a secret article, either written or verbal, was understood to have been made, by which the English were to evacuate the islands within a limited time, which they really did three years afterwards.
—Ed.

present majesty's accession, engrosses all the attention of his servants. They know that the security of their places depends upon their maintaining, at any hazard, the secret system of the closet. A foreign war might embarrass, an unfavourable event might ruin the minister, and defeat the deep-laid scheme of policy to which he and his associates owe their employments. Rather than suffer the execution of that scheme to be delayed or interrupted, the king has been advised to make a public surrender, a solemn sacrifice, in the face of all Europe, not only of the interests of his subjects, but of his own personal reputation, and of the dignity of that crown which his predecessors have worn with honour. These are strong terms, sir, but they are supported by fact and argument.

The king of Great Britain had been for some years in possession of an island, to which, as the ministers themselves have repeatedly asserted, the Spaniards had no claim of right. The importance of the place is not in question: if it were, a better judgment might be formed of it, from the opinion of Lord Anson and Lord Egmont, and from the anxiety of the Spaniards, than from any fallacious insinuations thrown out by men, whose interest it is to undervalue that property which they are determined to relinquish. The pretensions of Spain were a subject of negotiation between the two courts. They had been discussed, but not admitted. The king of Spain, in these circumstances, bids adieu to amicable negotiation, and appeals directly to the sword. The expedition against Port Egmont does not appear to have been a sudden, ill-concerted enterprise: it seems to have been conducted not only with the usual military precautions, but in all the forms and ceremonies of war. A frigate was first employed, to examine the strength of the place. A message was then sent, demanding immediate possession, in the catholic king's name, and ordering our people to

depart. At last, a military force appears, and compels the garrison to surrender. A formal capitulation ensues ; and his majesty's ship, which might at least have been permitted to bring home his troops immediately, is detained in port twenty days, and her rudder forcibly taken away. This train of facts carries no appearance of the rashness or violence of a Spanish governor : on the contrary, the whole plan seems to have been formed, and executed, in consequence of deliberate orders, and a regular instruction, from the Spanish court. Mr Buccarelli is not a pirate, nor has he been treated as such by those who employed him. I feel for the honour of a gentleman, when I affirm that our king owes him a signal reparation.* Where will the humiliation of this country end ? A king of Great Britain, not contented with placing himself upon a level with a Spanish governor, descends so low as to do a notorious injustice to that governor. As a salvo for his own reputation, he has been advised to traduce the character of a brave officer, and to treat him as a common robber, when he knew, with certainty, that Mr Buccarelli had acted in obedience to his orders, and had done no more than his duty. Thus it happens, in private life, with a man who has no spirit, nor sense of honour. One of his equals orders a servant to strike him : instead of returning the blow to the master, his courage is contented with throwing an aspersion, equally false and public, upon the character of the servant.

This short recapitulation was necessary to introduce the consideration of his majesty's speech of the 13th November, 1770, and the subsequent measures of government. The excessive caution with which

* The whole of this passage alludes to the part of the king's speech, in which he had attributed the capture of Port Egmont, not to the king of Spain, but to governor Buccarelli, as if that gentleman had acted without orders, and consequently as a robber or a pirate.—*Ed.*

the speech was drawn up, had impressed upon me an early conviction, that no serious resentment was thought of, and that the conclusion of the business, whenever it happened, must, in some degree, be dishonourable to England. There appears, through the whole speech, a guard and reserve in the choice of expression, which shows how careful the ministry were not to embarrass their future projects by any firm or spirited declaration from the throne. When all hopes of peace are lost, his majesty tells his parliament, that he is preparing, not for barbarous war, but (with all his mother's softness) *for a different situation*. An open hostility, authorised by the catholic king, is called *an act of a governor*. This act, to avoid the mention of a regular siege and surrender, passes under the piratical description of *seizing by force*; and the thing taken is described, not as a part of the king's territory, or proper dominion, but merely as a *possession*; a word expressly chosen in contradiction to, and exclusion of, the idea of *right*, and to prepare us for a future surrender both of the right and of the possession. Yet this speech, sir, cautious and equivocal as it is, cannot, by any sophistry, be accommodated to the measures which have since been adopted. It seemed to promise, that, whatever might be given up by secret stipulation, some care would be taken to save appearances to the public. The event shows us, that to depart, in the minutest article, from the nicety and strictness of punctilio, is as dangerous to national honour as to female virtue. The woman who admits of one familiarity seldom knows where to stop, or what to refuse; and, when the counsels of a great country give way in a single instance, when they once are inclined to submission, every step accelerates the rapidity of the descent. The ministry themselves, when they framed the speech, did not foresee that they should ever accede to such an accommodation as they have since advised their master to accept of.

The king says, *The honour of my crown, and the rights of my people, are deeply affected. The Spaniard, in his reply, says, I will give you back possession, but I adhere to my claim of prior right, reserving the assertion of it for a more favourable opportunity.*

The speech says, *I made an immediate demand of satisfaction; and, if that fails, I am prepared to do myself justice.* This immediate demand must have been sent to Madrid on the 12th of September, or in a few days after. It was certainly refused, or evaded, and the king has not done himself justice. When the first magistrate speaks to the nation, some care should be taken of his apparent veracity.

The speech proceeds to say, *I shall not discontinue my preparations until I have received proper reparation for the injury.* If this assurance may be relied on, what an enormous expense is entailed *sic* upon this unhappy country!—Restitution of a possession, and reparation of an injury, are as different in substance as they are in language. The very act of restitution may contain, as in this instance it palpably does, a shameful aggravation of the injury. A man of spirit does not measure the degree of an injury by the mere positive damage he has sustained; he considers the principle on which it is founded; he resents the superiority asserted over him; and rejects, with indignation, the claim of right which his adversary endeavours to establish, and would force him to acknowledge.

The motives on which the catholic king makes restitution, are, if possible, more insolent and disgraceful to our sovereign, than even the declaratory condition annexed to it. After taking four months to consider whether the expedition was undertaken by his own orders or not, he condescends to disavow the enterprise, and to restore the island: not from any regard to justice, not from any regard he bears to his Britannic majesty, but merely *from the per-*

*suasion in which he is of the pacific sentiments of the king of Great Britain.**

At this rate, if our king had discovered the spirit of a man ; if he had made a peremptory demand of satisfaction, the king of Spain would have given him a peremptory refusal. But why this unseasonable, this ridiculous mention of the king of Great Britain's pacific intentions ? Have they ever been in question ? Was he the aggressor ? Does he attack foreign powers without provocation ? Does he even resist, when he is insulted ? No, sir ; if any ideas of strife or hostility have entered his royal mind, they have a very different direction. The enemies of England have nothing to fear from them.

After all, sir, to what kind of disavowal has the king of Spain at last consented ? Supposing it made in proper time, it should have been accompanied with instant restitution : and if Mr Buccarelli acted without orders, he deserved death. Now, sir, instead of immediate restitution, we have a four months' negotiation : and the officer, whose act is disavowed, returns to court, and is loaded with honours.

If the actual situation of Europe be considered, the treachery of the king's servants, particularly of Lord North, who takes the whole upon himself, will appear in the strongest colours of aggravation. Our allies were masters of the Mediterranean. The king of France's present aversion from war, and the distraction of his affairs, are notorious. He is now in a state of war with his people. In vain did the catholic king solicit him to take part in the quarrel against us. His finances were in the last disorder ; and it was probable that his troops might find sufficient employment at home. In these circumstances,

* These words are literally taken from the declaration of the Spanish ambassador proposing the accommodation.
—Ed.

we might have dictated the law to Spain. There are no terms to which she might not have been compelled to submit. At the worst, a war with Spain alone carries the fairest promise of advantage. One good effect, at least, would have been immediately produced by it. The desertion of France would have irritated her ally, and, in all probability, have dissolved the family compact. The scene is now fatally changed. The advantage is thrown away. The most favourable opportunity is lost. Hereafter we shall know the value of it. When the French king is reconciled to his subjects—when Spain has completed her preparations—when the collected strength of the house of Bourbon attacks us at once, the king himself will be able to determine upon the wisdom or imprudence of his present conduct. As far as the probability of argument extends, we may safely pronounce, that a conjuncture, which threatens the very being of this country, has been wilfully prepared and forwarded by our own ministry. How far the people may be animated to resistance, under the present administration, I know not; but this I know, with certainty, that, under the present administration, or if any thing like it should continue, it is of very little moment whether we are a conquered nation or not.*

* The king's acceptance of the Spanish ambassador's declaration is drawn up in barbarous French, and signed by the Earl of Rochford. This diplomatic lord has spent his life in the study and practice of *etiquettes*, and is supposed to be a profound master of the ceremonies. I will not insult him by any reference to grammar or common sense: if he were even acquainted with the common forms of his office, I should think him as well qualified for it as any man in his majesty's service. The reader is requested to observe Lord Rochford's method of authenticating a public instrument.—'En foi de quoi, moi soussigné, un des principaux secretaires d'etat S. M. B. ai signé la presente de ma signature ordinaire, et icelle fait apposer le cachet de nos armes.' In three lines there are no less than seven false concords. But the man does not even know the style of his office. If he had known it, he would have said, 'Nous, soussigné secretaire d'etat de S. M. B. avons signé,' &c.

Having travelled thus far in the high road of matter of fact, I may now be permitted to wander a little into the field of imagination. Let us banish from our minds the persuasion that these events have really happened in the reign of the best of princes ; let us consider them as nothing more than the materials of a fable, in which we may conceive the sovereign of some other country to be concerned. I mean to violate all the laws of probability, when I suppose that this imaginary king, after having voluntarily disgraced himself in the eyes of his subjects, might return to a sense of his dishonour ; that he might perceive the snare laid for him by his ministers, and feel a spark of shame kindling in his breast. The part he must then be obliged to act would overwhelm him with confusion. To his parliament he must say, *I called you together to receive your advice, and have never asked your opinion—To the merchant, I have distressed your commerce : I have dragged your seamen out of your ships ; I have loaded you with a grievous weight of insurances.—To the landholder, I told you war was too probable, when I was determined to submit to any terms of accommodation ; I extorted new taxes from you before it was possible they could be wanted, and am now unable to account for the application of them.—To the public creditor, I have delivered up your fortune a prey to foreigners, and to the vilest of your fellow-subjects.* Perhaps this repenting prince might conclude with one general acknowledgment to them all : *I have involved every rank of my subjects in anxiety and distress ; and have nothing to offer you, in return, but the certainty of national dishonour, an armed truce, and peace without security.*

If these accounts were settled, there would still remain an apology to be made to his navy and to his army. To the first he would say,—*You were once the terror of the world. But go back to your harbours. A man, dishonoured as I am, has no use for your service.* It is not probable that he would

appear again before his soldiers, even in the pacific ceremony of a review.* But, wherever he appeared, the humiliating confession would be extorted from him,—*I have received a blow, and had not spirit to resent it. I demanded satisfaction, and have accepted a declaration, in which the right to strike me again is asserted and confirmed.* His countenance, at least, would speak this language, and even his guards would blush for him.

But to return to our argument. The ministry, it seems, are labouring to draw a line of distinction between the honour of the crown and the rights of the people. This new idea has yet only been started in discourse; for, in effect, both objects have been equally sacrificed. I neither understand the distinction, nor what use the ministry propose to make of it. The king's honour is that of his people. *Their* real honour and real interest are the same. I am not contending for a vain punctilio. A clear, unblemished character comprehends not only the integrity that will not offer, but the spirit that will not submit to an injury; and, whether it belongs to an individual, or to a community, it is the foundation of peace, of independence, and of safety. Private credit is wealth; public honour is security. The feather that adorns the royal bird supports his flight. Strip him of his plumage, and you fix him to the earth.†

JUNIUS.

* A mistake: he appears before them every day, with a mark of a blow upon his face. *Proh pudor!*

† It was in answer to this letter, that Dr Johnson wrote his pamphlet, entitled, *Thoughts on the late Transactions respecting Falkland's Islands*, a pamphlet which gave so much satisfaction to the ministry, that to express their gratitude, they are said to have doubled his pension. To this pamphlet, however, though a very able one, Junius made no reply. He probably either saw that he had met with an antagonist who was in all respects, except in mere delicacy of taste, his equal; or he might not choose to engage in a protracted controversy, which would have increased the danger of his being detected.—*Ed.*

LETTER XLIII.*

To the Printer of the Public Advertiser.

SIR,

February 6, 1771.

I HOPE your correspondent, Junius, is better employed than in answering or reading the criticisms of a newspaper. This is a task, from which, if he were inclined to submit to it, his friends ought to relieve him. Upon this principle, I shall undertake to answer Anti-Junius, more, I believe, to his conviction, than to his satisfaction. Not daring to attack the main body of Junius's last letter, he triumphs in having, as he thinks, surprised an outpost, and cut off a detached argument, a mere straggling proposition. But even in this petty warfare he shall find himself defeated.

Junius does not speak of the Spanish nation as the *natural enemies* of England; he applies that description, with the strictest truth and justice, to the Spanish court. From the moment, when a prince of the house of Bourbon ascended that throne, their whole system of government was inverted, and became hostile to this country. Unity of possession introduced a unity of politics; and Louis the Fourteenth had reason, when he said to his grandson, '*The Pyrenees are removed.*' The history of the present century is one continued confirmation of the prophecy.

The assertion, '*That violence and oppression at home can only be supported by treachery and submission abroad,*' is applied to a free people, whose

* This letter is an answer to one which appeared in the Public Advertiser, with the signature Anti-Junius, and may be considered as an explanation of some parts of the preceding letter.—Ed.

rights are invaded—not to the government of a country, where despotic or absolute power is confessedly vested in the prince; and, with this application, the assertion is true. An absolute monarch, having no points to carry at home, will naturally maintain the honour of his crown, in all his transactions with foreign powers. But, if we could suppose the sovereign of a free nation, possessed with a design to make himself absolute, he would be inconsistent with himself, if he suffered his projects to be interrupted or embarrassed by a foreign war, unless that war tended, as in some cases it might, to promote his principal design. Of the three exceptions to this general rule of conduct (quoted by Anti-Junius,) that of Oliver Cromwell is the only one in point. Harry the Eighth, by the submission of his parliament, was as absolute a prince as Louis the Fourteenth. Queen Elizabeth's government was not oppressive to the people, and as to her foreign wars, it ought to be considered, that they were unavoidable. The national honour was not in question. She was compelled to fight in defence of her own person, and of her title to the crown. In the common course of selfish policy, Oliver Cromwell should have cultivated the friendship of foreign powers, or, at least, have avoided disputes with them, the better to establish his tyranny at home. Had he been only a bad man, he would have sacrificed the honour of the nation to the success of his domestic policy. But, with all his crimes, he had the spirit of an Englishman. The conduct of such a man must always be an exception to vulgar rules. He had abilities sufficient to reconcile contradictions, and to make a great nation, at the same moment, unhappy and formidable. If it were not for the respect I bear the minister, I could name a man, who, without one grain of understanding, can do half as much as Oliver Cromwell.

Whether or no there be a *secret system* in the

closet, and what may be the object of it, are questions which can only be determined by appearances, and on which every man must decide for himself.

The whole plan of Junius's letter proves, that he himself makes no distinction between the real honour of the crown and the real interest of the people. In the climax to which your correspondent objects, Junius adopts the language of the court, and, by that conformity, gives strength to his argument. He says, that '*the king has not only sacrificed the interest of the people, but* (what was likely to touch him more nearly) *his personal reputation, and the dignity of his crown.*'

The queries put by Anti-Junius can only be answered by the ministry. Abandoned as they are, I fancy they will not confess, that they have, for so many years, maintained possession of another man's property. After admitting the assertion of the ministry, viz. *That the Spaniards had no rightful claim*, and after justifying them for saying so, it is *his* business, not *mine*, to give us some good reason for their *suffering the pretensions of Spain to be a subject of negotiation*. He admits the facts; let him reconcile them if he can.

The last paragraph brings us back to the original question, Whether the Spanish declaration contains such a satisfaction as the king of Great Britain ought to have accepted? This was the field upon which he ought to have encountered Junius openly and fairly. But here he leaves the argument, as no longer defensible. I shall, therefore, conclude with one general admonition to my fellow-subjects; that, when they hear these matters debated, they should not suffer themselves to be misled by general declamations upon the conveniences of peace, or the miseries of war. Between peace and war abstractedly, there is not, there cannot, be a question, in the mind of a rational being. The real questions are, *Have we any security that the peace we have so dearly pur-*

chased will last a twelvemonth ? and if not, Have we, or have we not, sacrificed the fairest opportunity of making war with advantage ?

PHILO JUNIUS.

LETTER XLIV.*

To the Printer of the Public Advertiser.

SIR,

April 22, 1771.

To write for profit, without taxing the press ;† to write for fame, and to be unknown ; to support the

* This very important letter respects the great subject of parliamentary privilege ; by which, more particularly, is meant, in the present instance, the power claimed by the House of Commons of imprisoning individuals, not members of that House, for offenses which it had been pleased to consider as inconsistent with its dignity or rights. It is necessary, however, for understanding the circumstances which gave occasion to this letter, that the reader should recollect the following facts :

The debates in parliament having for several years been exceedingly interesting, the printers of newspapers had contrived several methods of having reports of them inserted in their journals. This practice was contrary to the standing orders of the House, and had, in some late instances, been incorrectly and improperly employed. A motion was accordingly made by Colonel Onslow, by which the practice was pronounced to be a violation of the privileges of parliament ; and two of the printers, Wheble and Thomson, were ordered to appear at the bar of the House, to answer the complaint particularly brought against them. The printers took no notice of this summons ; a second was sent, without producing any effect ; and at last a motion was made, that the refractory printers should be taken into the custody of the serjeant at arms.

In the meantime, the parties had absconded ; and a royal proclamation was therefore issued, offering a reward of £50

† Junius refused, when urged by his publisher, to accept of any pecuniary emolument for his Letters.—*Ed.*

intrigues of faction, and to be disowned as a dangerous auxiliary by every party in the kingdom, are

for their apprehension. Six other printers were likewise summoned to attend the bar of the House, five of whom attended, and, being reprimanded, were discharged. The other delinquent, who did not appear, and whose name was Millar, was ordered to be taken into custody for contempt of the House. Wheble, having been apprehended, was carried before Wilkes, who had recently been chosen an alderman of London; but Wilkes denied the legal authority of any mere proclamation, and took Wheble bound to prosecute the person who had apprehended him for an assault and unlawful imprisonment. Millar having also been arrested, and probably instructed how he should act, immediately sent for a constable, to whom he gave charge of the messenger who had arrested him; and, having proceeded with them to the Mansion House, had the case stated before the Lord Mayor, Crosby. Mr Alderman Wilkes and Mr Alderman Oliver discharged Millar, and ordered the messenger to be committed; from which order, however, he was released by finding bail. These transactions were carefully recorded in the proper register. Wilkes also addressed a letter to the secretary of state, informing him of what he had done; and the thanks of the corporation of London were voted to the magistrates for their conduct in this business.

Such a collision between the municipal authorities and the House of Commons could not but be productive of much tumult. The House accordingly maintained, that the *proclamation* was a legal ground for acting as the messengers had done; they therefore issued *an order*, prohibiting all prosecution of the messengers for their conduct. At the same time, they ordered the clerk to attend who had entered the transactions in the Mansion House minute-book; they erased the entire record, and summoned the different aldermen concerned to appear at the bar of the House to answer for their conduct.

Wilkes refused to attend, unless permitted to take his place as member for Middlesex; but the lord mayor and Oliver having appeared as members of the House, the former, in a spirited speech, maintained that he had only acted, as by his oath he was bound to do, in defence of the franchises of the citizens of London—that his conduct had been strictly conformable to law—and that he had a right to be heard by counsel. This demand was refused, on the ground that no counsel could be heard in opposition to the *privileges* of the House; a resolution was passed, that to institute any proceedings at law in this case was *contrary to the privileges* of the House; that it was a *breach of privilege* to apprehend the messenger who was executing his warrant; and that it was a *breach of privilege* to hold the mes-

contradictions which the minister must reconcile before I forfeit my credit with the public. I may quit the service, but it would be absurd to suspect me of desertion. The reputation of these papers is an honourable pledge for my attachment to the people. To sacrifice a respected character, and to renounce the esteem of society, requires more than Mr Wedderburne's * resolution; and though in him it was rather a profession than a desertion of his principles (I speak tenderly of this gentleman; for, when treachery is in question, I think we should make allowances for a Scotchman), yet we have seen him in the House of Commons overwhelmed with confu-

senger to bail for such pretended assault. The two magistrates, however, resolutely refused to make any concession or apology; and it was, therefore, at length voted, by a great majority, that they should be committed prisoners to the Tower.

The lord mayor was attended to the Tower, and visited while in it, by a great number of distinguished persons; the thanks of the city were voted to such members of the House of Commons as had supported the magistrates, and the expenses of their tables were ordered to be defrayed at the public cost.

With the view of obtaining their liberties, the magistrates were carried first before Lord Chief Justice De Grey, and afterwards before Lord Mansfield; but both of these judges refused to discharge them, and they were accordingly remanded to the Tower till the termination of the session, when the power of the House to confine them also came to a close. Their liberation was celebrated by great and universal rejoicings, and from that period the printing of the debates of the two Houses has not been objected to.

During these transactions, much discussion took place respecting the legality of proclamations as grounds for apprehension, and respecting other points connected with the dispute. But Junius went to the bottom of the question, and, in the letter now before us, discussed, with much freedom, the question of parliamentary privilege itself,—what it means,—and how far it extends.—*Ed.*

* Mr Wedderburne, who afterwards became Lord Loughborough and Earl of Rosslyn, began his public career as a Whig; but he had lately changed his principles, and was become solicitor-general to the king. This seemed to announce effrontery; yet, says Junius, we have seen him in the House of Commons overwhelmed with confusion, and almost bereft of his faculties.—*Ed.*

sion, and almost bereft of his faculties. But, in truth, sir, I have left no room for an accommodation with the piety of St James's. My offences are not to be redeemed by recantation or repentance. On one side, our warmest patriots would disclaim me as a burden to their honest ambition. On the other, the vilest prostitution, if Junius could descend to it, would lose its natural merit and influence in the cabinet, and treachery be no longer a recommendation to the royal favour.

The persons who, till within these few years, have been most distinguished by their zeal for high-church and prerogative, are now, it seems, the great assertors of the privileges of the House of Commons. This sudden alteration of their sentiments, or language, carries with it a suspicious appearance.—When I hear the undefined privileges of the popular branch of the legislature exalted by Tories and Jacobites, at the expense of those strict rights which are known to the subject and limited by the laws, I cannot but suspect that some mischievous scheme is in agitation, to destroy both law and privilege, by opposing them to each other. They who have uniformly denied the power of the whole legislature to alter the descent of the crown, and whose ancestors, in rebellion against his majesty's family, have defended that doctrine at the hazard of their lives, now tell us, that privilege of parliament is the only rule of right, and the chief security of the public freedom. I fear, sir, that, while forms remain, there has been some material change in the substance of our constitution. The opinions of these men were too absurd to be easily renounced. Liberal minds are open to conviction; liberal doctrines are capable of improvement. There are proselytes from atheism, but none from superstition. If their present professions were sincere, I think they could not but be highly offended at seeing a question concerning parliamentary privilege unne-

cessarily started at a season so unfavourable to the House of Commons, and by so very mean and insignificant a person as the minor Onslow. They knew that the present House of Commons, having commenced hostilities with the people, and degraded the authority of the laws by their own example, were likely enough to be resisted *per fas aut nefas*. If they were really friends to privilege, they would have thought the question of right too dangerous to be hazarded at this season, and without the formality of a convention, would have left it undecided.

I have been silent hitherto, though not from that shameful indifference about the interests of society, which too many of us profess, and call moderation. I confess, sir, that I felt the prejudices of my education in favour of a House of Commons still hanging about me. I thought that a question between law and privilege could never be brought to a formal decision, without inconvenience to the public service, or a manifest diminution of legal liberty; that it ought, therefore, to be carefully avoided: and when I saw that the violence of the House of Commons had carried them too far to retreat, I determined not to deliver a hasty opinion upon a matter of so much delicacy and importance.

The state of things is much altered in this country since it was necessary to protect our representatives against the direct power of the crown. We have nothing to apprehend from prerogative, but every thing from undue influence. Formerly, it was the interest of the people that the privileges of parliament should be left unlimited and undefined. At present, it is not only their interest, but I hold it to be essentially necessary to the preservation of the constitution, that the privileges of parliament should be strictly ascertained, and confined within the narrowest bounds the nature of their institution will admit of. Upon the same principle on which I would have resisted prerogative in the last cen-

ture, I now resist privilege. It is indifferent to me, whether the crown, by its own immediate act, imposes new, and dispenses with old laws, or whether the same arbitrary power produces the same effects through the medium of the House of Commons. We trusted our representatives with privileges for their own defence and ours. We cannot hinder their desertion, but we can prevent their carrying over their arms to the service of the enemy. It will be said, that I begin with endeavouring to reduce the argument concerning privilege to a mere question of convenience; that I deny at one moment what I would allow at another; and that, to resist the power of a prostituted House of Commons, may establish a precedent injurious to all future parliaments. To this I answer, generally, that human affairs are in no instance governed by strict positive right. If change of circumstances were to have no weight in directing our conduct and opinions, the mutual intercourse of mankind would be nothing more than a contention between positive and equitable right. Society would be a state of war, and law itself would be injustice. On this general ground, it is highly reasonable, that the degree of our submission to privileges which have never been defined by any positive law, should be considered as a question of convenience, and proportioned to the confidence we repose in the integrity of our representatives. As to the injury we may do to any future and more respectable House of Commons, I own I am not now sanguine enough to expect a more plentiful harvest of parliamentary virtue in one year than in another. Our political climate is severely altered; and, without dwelling upon the depravity of modern times, I think no reasonable man will expect that, as human nature is constituted, the enormous influence of the crown should cease to prevail over the virtue of individuals. The mischief lies too deep to be cured by any remedy

less than some great convulsion, which may either carry back the constitution to its original principles, or utterly destroy it. I do not doubt that, in the first session after the next election, some popular measures may be adopted. The present House of Commons have injured themselves by a too early and public profession of their principles; and if a strain of prostitution, which had no example, were within the reach of emulation, it might be imprudent to hazard the experiment too soon. But, after all, sir, it is very immaterial whether a House of Commons shall preserve their virtue for a week, a month, or a year. The influence which makes a septennial parliament dependent on the pleasure of the crown, has a permanent operation, and cannot fail of success. My premises, I know, will be denied in argument; but every man's conscience tells him they are true. It remains, then, to be considered, whether it be for the interest of the people, that privilege of parliament * (which, in respect to the purposes for which it has hitherto been acquiesced under, is merely nominal) should be contracted within some certain limits; or, whether the subject shall be left at the mercy of a power, arbitrary upon the face of it, and notoriously under the direction of the crown.

I do not mean to decline the question of *right*; on the contrary, sir, I join issue with the advocates for privilege, and affirm, that, 'excepting the cases

* The necessity of securing the House of Commons against the king's power, so that no interruption might be given either to the attendance of the members in parliament, or to the freedom of debate, was the foundation of parliamentary privilege; and we may observe, in all the addresses of new-appointed speakers to the sovereign, the utmost privilege they demand, is liberty of speech and freedom from arrests. The very word *privilege* means no more than immunity, or a safeguard to the party who possesses it, and can never be construed into an active power of invading the rights of others.

wherein the House of Commons are a court of judicature (to which, from the nature of their office, a coercive power must belong) and excepting such contempts as immediately interrupt their proceedings, they have no legal authority to imprison any man for any supposed violation of privilege whatsoever.' It is not pretended that privilege, as now claimed, has ever been defined or confirmed by statute; neither can it be said, with any colour of truth, to be a part of the common law of England, which had grown into prescription long before we knew any thing of the existence of a House of Commons. As for the law of parliament, it is only another name for the privilege in question; and since the power of creating new privileges has been formally renounced by both Houses, since there is no code in which we can study the law of parliament, we have but one way left to make ourselves acquainted with it; that is, to compare the nature of the institution of a House of Commons with the facts upon record. To establish a claim of privilege in either House, and to distinguish original right from usurpation, it must appear that it is indispensably necessary for the performance of the duty they are employed in, and also that it has been uniformly allowed. From the first part of this description, it follows clearly, that, whatever privilege does of right belong to the present House of Commons did equally belong to the first assembly of their predecessors; was as completely vested in them, and might have been exercised in the same extent. From the second we must infer, that privileges, which for several centuries were not only never allowed, but never even claimed by the House of Commons, must be founded upon usurpation. The constitutional duties of a House of Commons are not very complicated nor mysterious. They are to propose or assent to wholesome laws, for the benefit of the nation. They are to grant the necessary aids

to the king ; petition for the redress of grievances ; and prosecute treason or high crimes against the state. If unlimited privilege be necessary to the performance of these duties, we have reason to conclude, that, for many centuries after the institution of the House of Commons, they were never performed. I am not bound to prove a negative ; but I appeal to the English history when I affirm, that, with the exceptions already stated, which yet I might safely relinquish, there is no precedent, from the year 1265 to the death of Queen Elizabeth, of the House of Commons having imprisoned any man (not a member of their House) for contempt or breach of privilege. In the most flagrant cases, and when their acknowledged privileges were most grossly violated, the *poor Commons*, as they then styled themselves, never took the power of punishment into their own hands. They either sought redress by petition to the king, or, what is more remarkable, applied for justice to the House of Lords ; and, when satisfaction was denied them or delayed, their only remedy was to refuse proceeding upon the king's business. So little conception had our ancestors of the monstrous doctrines now maintained concerning privilege, that, in the reign of Elizabeth, even liberty of speech, the vital principle of a deliberative assembly, was restrained by the queen's authority to a simple *aye* or *no* ; and this restriction, though imposed upon three successive parliaments,* was never once disputed by the House of Commons.

I know there are many precedents of arbitrary commitments for contempt ; but, besides that they are of too modern a date to warrant a presumption that such a power was originally vested in the House of Commons, *fact* alone does not constitute *right*. If it does, general warrants were lawful. An or-

* In the years 1593, 1597, and 1601.

dinance of the two Houses has a force equal to law : and the criminal jurisdiction assumed by the Commons in 1621, in the case of Edward Lloyd, is a good precedent to warrant the like proceedings against any man who shall unadvisedly mention the folly of a king, or the ambition of a princess. The truth is, sir, that the greatest and most exceptionable part of the privileges now contended for were introduced and asserted by a House of Commons, which abolished both monarchy and peerage, and whose proceedings, although they ended in one glorious act of substantial justice, could no way be reconciled to the forms of the constitution. Their successors profited by their example, and confirmed their power by a moderate or popular use of it. Thus it grew, by degrees, from a notorious innovation at one period, to be tacitly admitted as the privilege of parliament at another.

If, however, it could be proved, from considerations of necessity or convenience, that an unlimited power of commitment ought to be intrusted to the House of Commons, and that, *in fact*, they have exercised it without opposition, still, in contemplation of law, the presumption is strongly against them. It is a leading maxim of the laws of England (and without it all laws are nugatory), that there is no right without a remedy, nor any legal power without a legal course to carry it into effect. Let the power now in question be tried by this rule. The speaker issues his warrant of attachment. The party attached either resists force with force, or appeals to a magistrate, who declares the warrant illegal, and discharges the prisoner.— Does the law provide no legal means for enforcing a legal warrant? Is there no regular proceeding pointed out in our law books, to assert and vindicate the authority of so high a court as the House of Commons? The question is answered directly by the fact; their unlawful commands are resisted,

and they have no remedy. The imprisonment of their own members is revenge indeed ; but it is no assertion of the privilege they contend for.* Their whole proceeding stops ; and there they stand, ashamed to retreat, and unable to advance. Sir, these ignorant men should be informed, that the execution of the laws of England is not left in this uncertain, defenceless condition. If the process of the courts of Westminster-hall be resisted, they have a direct course to enforce submission. The court of King's Bench commands the sheriff to raise the *posse comitatus* ; the courts of Chancery and Exchequer issue a *writ of rebellion*, which must also be supported, if necessary, by the power of the country. To whom will our honest representatives direct their writ of rebellion ? The guards, I doubt not, are willing enough to be employed ; but they know nothing of the doctrine of writs, and may think it necessary to wait for a letter from Lord Barrington.†

It may now be objected to me, that my arguments prove too much : for that certainly there may be instances of contempt and insult to the House of Commons, which do not fall within my own exceptions, yet, in regard to the dignity of the House, ought not to pass unpunished. Be it so. The courts of criminal jurisdiction are open to prosecutions, which the attorney-general may commence by information or indictment. A libel tending to asperse or vilify the House of Commons, or any of their members, may be as severely punished in the

* Upon their own principles, they should have committed Mr Wilkes, who had been guilty of a greater offence than even the lord mayor or alderman Oliver. But, after repeatedly ordering him to attend, they at last adjourned beyond the day appointed for his attendance, and, by this mean, pitiful evasion, gave up the point.

† Lord Barrington wrote the letter of thanks to the guards for their conduct in the affair of St George's Fields.—*Ed.*

court of King's Bench, as a libel upon the king. Mr de Grey thought so, when he drew up the information of my letter to his majesty, or he had no meaning in charging it to be a scandalous libel upon the House of Commons. In *my* opinion, they would consult their real dignity much better, by appealing to the laws, when they are offended, than by violating the first principle of natural justice, which forbids us to be judges when we are parties to the cause.*

I do not mean to pursue them through the remainder of their proceedings. In their first resolutions, it is possible they might have been deceived by ill-considered precedents. For the rest, there is no colour of palliation or excuse. They have advised the king to resume a power of dispensing with the laws by royal proclamation;† and kings, we see, are ready enough to follow such advice. By mere violence, and without the shadow of right, they have expunged the record of a judicial pro-

* 'If it be demanded, in case a subject should be committed by either House for a matter manifestly out of their jurisdiction, What remedy can he have? I answer, that it cannot well be imagined that the law, which favours nothing more than the liberty of the subject, should give us a remedy against commitments by the king himself, appearing to be illegal, and yet give us no manner of redress against a commitment by our fellow-subjects, equally appearing to be unwarranted. But, as this is a case which, I am persuaded, will never happen, it seems needless overnicely to examine it.'—*Hawkins*, ii. 110.

N. B. He was a good lawyer, but no prophet.

† That their practice might be every way conformable to their principles, the House proceeded to advise the crown to publish a proclamation, universally acknowledged to be illegal. Mr Moreton publicly protested against it before it was issued; and Lord Mansfield, though not scrupulous to an extreme, speaks of it with horror. It is remarkable enough, that the very men who advised the proclamation, and who hear it arraigned every day, both within doors and without, are not daring enough to utter one word in its defence; nor have they ventured to take the least notice of Mr Wilkes for discharging the persons apprehended under it.

ceeding.* Nothing remained but to attribute to their own vote a power of stopping the whole distribution of criminal and civil justice.

The public virtues of the chief magistrate have long since ceased to be in question. But, it is said, that he has private good qualities; and I myself have been ready to acknowledge them. They are now brought to the test. If he loves his people, he will dissolve a parliament which they can never confide in or respect. If he has any regard for his own honour, he will disdain to be any longer connected with such abandoned prostitution. But, if it were conceivable that a king of this country had lost all sense of personal honour, and all concern for the welfare of his subjects, I confess, sir, I should be contented to renounce the forms of the constitution once more, if there were no other way to obtain substantial justice for the people.†

JUNIUS.

* Lord Chatham very properly called this the act of a mob, not of a senate.—*Author.*

He refers to the erasure of the transactions of the court of aldermen respecting the printers. Vide note, page 392.—*Ed.*

† When Mr Wilkes was to be punished, they made no scruple about the privileges of parliament; and although it was as well known as any matter of public record and uninterrupted custom could be, *That the members of either House are privileged, except in case of treason, felony, or breach of peace*, they declared, without hesitation, *That privilege of parliament did not extend to the case of a seditious libel*: and undoubtedly they would have done the same if Mr Wilkes had been prosecuted for any other misdemeanor whatsoever. The ministry are, of a sudden, grown wonderfully careful of privileges, which their predecessors were as ready to invade. The known laws of the land, the rights of the subject, the sanctity of charters, and the reverence due to our magistrates, must all give way, without question or resistance, to a privilege of which no man knows either the origin or the extent. The House of Commons judge of their own privileges without appeal: they may take offence at the most innocent action, and imprison the person who offends them during their arbitrary will and pleasure. The party has no remedy; he cannot appeal from their jurisdiction; and, if he questions the privilege which he is supposed to

LETTER XLV.

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To the Printer of the Public Advertiser.

SIR,

May 1, 1771.

THEY who object to detached parts of Junius's last letter, either do not mean * him fairly, or have not considered the general scope and course of his argument. There are degrees in all the private vices; why not in public prostitution? The influence of the crown naturally makes a septennial parliament dependent. Does it follow, that every House of Commons will plunge at once into the *lowest depths* of prostitution? Junius supposes, that the present House of Commons, in going such enormous lengths, have been imprudent to themselves, as well as wicked to the public; that their example is not within the reach of emulation; and that, in the first session after the next election, some popular measures may probably be adopted. He does not expect that a dissolution of parliament will destroy corruption, but that, at least, it will be a check and terror to their successors, who will have seen, that in flagrant cases, their constituents can and will interpose with effect. After all, sir, will you not endeavour to remove or alleviate the most dangerous symptoms, because you cannot eradicate the disease? Will you not punish treason or parricide, because the sight of a gibbet does not prevent highway robberies? When the main argument of

have violated, it becomes an aggravation of his offence. Surely this doctrine is not to be found in Magna Charta. If it be admitted without limitation, I affirm, that there is neither law nor liberty in this kingdom. We are the slaves of the House of Commons; and, through them, we are the slaves of the king and his ministers.—*Anonymous.*

* Junius has some peculiarities of expression, and this is one of them.—*Ed.*

Junius is admitted to be unanswerable, I think it would become the minor critic, who hunts for blemishes, to be a little more distrustful of his own sagacity. The other objection is hardly worth an answer. When Junius observes, that kings are ready enough to follow *such* advice, he does not mean to insinuate, that, if the advice of parliament were good, the king would be so ready to follow it.

PHILO JUNIUS.

LETTER XLVI.

Addressed to the Printer of the Public Advertiser.

SIR,

May 22, 1771.

VERY early in the debate upon the decision of the Middlesex election, it was well observed, by Junius, that the House of Commons had not only exceeded their boasted precedent of the expulsion, and subsequent incapacitation, of Mr Walpole, but that they had not even adhered to it strictly, as far as it went. After convicting Mr Dyson* of giving a false quotation from the journals, and having explained the purpose which that contemptible fraud was intended to answer, he proceeds to state the vote itself by which Mr Walpole's supposed incapacity was declared, viz. 'Resolved, That Robert Walpole, Esq. having been this session of parliament committed a prisoner to the Tower, and ex-

* Vide Author's note, p. 246.

Mr Dyson was the author of the pamphlet alluded to in that note.—*Ed.*

elled this House, for a high breach of trust in the execution of his office, and notorious corruption when secretary at war, was and is incapable of being elected a member to serve in this present parliament.' And then observes, that, from the terms of the vote, we have no right to annex the incapacitation to the *expulsion* only; for that, as the proposition stands, it must arise equally from the *expulsion* and the commitment to the Tower. I believe, sir, no man, who knows any thing of dialectics, or who understands English, will dispute the truth and fairness of this construction. But Junius has a great authority to support him; which, to speak with the Duke of Grafton, I accidentally met with this morning in the course of my reading. It contains an admonition, which cannot be repeated too often. Lord Sommers, in his excellent tract upon the Rights of the People, after reciting the votes of the convention of the 28th of January, 1689, viz. 'That King James II. having endeavoured to subvert the constitution of this kingdom, by breaking the original contract between king and people; and by the advice of Jesuits, and other wicked persons, having violated the fundamental laws, and having withdrawn himself out of this kingdom, hath abdicated the government,' &c. makes this observation upon it: 'The word *abdicated* relates to *all* the clauses foregoing, as well as to his deserting the kingdom, or else they would have been wholly in vain.' And, that there might be no pretence for confining the *abdication* merely to the *withdrawing*, Lord Sommers farther observes, 'That King James, by refusing to govern us according to that law by which he held the crown, did implicitly renounce his title to it.'

If Junius's construction of the vote against Mr Walpole be now admitted, and, indeed, I cannot comprehend how it can honestly be disputed, the advocates of the House of Commons must either

give up their precedent entirely, or be reduced to the necessity of maintaining one of the grossest absurdities imaginable, viz.—‘ That a commitment to the Tower is a constituent part of, and contributes half at least to, the incapacitation of the person who suffers it.’

I need not make you any excuse for endeavouring to keep alive the attention of the public to the decision of the Middlesex election. The more I consider it, the more I am convinced, that, as a *fact*, it is, indeed, highly injurious to the rights of the people; but that, as a *precedent*, it is one of the most dangerous that ever was established against those who are to come after us. Yet I am so far a moderate man, that I verily believe the majority of the House of Commons, when they passed this dangerous vote, neither understood the question, nor knew the consequence of what they were doing. Their motives were rather despicable, than criminal in the extreme. One effect they certainly did not foresee. They are now reduced to such a situation, that, if a member of the present House of Commons were to conduct himself ever so improperly, and, in reality, deserve to be sent back to his constituents with a mark of disgrace, they would not dare to expel him; because they know that the people, in order to try again the great question of right, or to thwart an odious House of Commons, would probably overlook his immediate unworthiness, and return the same person to parliament. But, in time, the precedent will gain strength. A future House of Commons will have no such apprehensions, consequently will not scruple to follow a precedent which they did not establish. The miser himself seldom lives to enjoy the fruit of his extortion; but his heir succeeds to him of course, and takes possession without censure. No man expects him to make restitution, and, no matter for his title, he lives quietly upon the estate.

PHILO JUNIUS.

LETTER XLVII.

To the Printer of the Public Advertiser.

SIR,

May 25, 1771.

I CONFESS my partiality to Junius, and feel a considerable pleasure in being able to communicate any thing to the public in support of his opinions. The doctrine laid down in his last letter, concerning the power of the House of Commons to commit for contempt, is not so new as it appeared to many people; who, dazzled with the name of *privilege*, had never suffered themselves to examine the question fairly. In the course of my reading this morning, I met with the following passage in the journals of the House of Commons (vol. i. p. 603). Upon occasion of a jurisdiction unlawfully assumed by the House in the year 1621, Mr Attorney-general Noye gave his opinion as follows: ‘No doubt but, in some cases, this House may give judgment; in matters of returns, and concerning members of our House, or falling out in our view in parliament; but, for foreign matters, knoweth not how we can judge it; knoweth not that we have been used to give judgment in any case, but those before mentioned.’

Sir Edward Coke, upon the subject, says (page 604), ‘No question but this is a House of record, and that it hath power of judicature in some cases; have power to judge of returns and members of our House. One, no member, offending out of the parliament, *when he came hither, and justified it*, was censured for it.’

Now, sir, if you will compare the opinion of these great sages of the law with Junius’s doctrine, you will find they tally exactly. He allows the power of the House to commit their own members, which, however, they may grossly abuse; he al-

lows their power in cases where they are acting as a court of judicature, viz. elections, returns, &c. and he allows it in such contempts as immediately interrupt their proceedings; or, as Mr Noye expresses it, *falling out in their view in parliament*.

They who would carry the privileges of parliament farther than Junius, either do not mean well to the public, or know not what they are doing. The government of England is a government of law. We betray ourselves, we contradict the spirit of our laws, and we shake the whole system of English jurisprudence, whenever we intrust a discretionary power over the life, liberty, or fortune of the subject, to any man, or set of men, whatsoever, upon a presumption that it will not be abused.

PHILO JUNIUS.

LETTER XLVIII.

To the Printer of the Public Advertiser.

SIR,

May 23, 1771.

ANY man who takes the trouble of perusing the journals of the House of Commons, will soon be convinced, that very little, if any regard at all, ought to be paid to the resolutions of one branch of the legislature, declaratory of the law of the land, or even of what they call the law of parliament. It will appear that these resolutions have no one of the properties by which, in this country particularly, law is distinguished from mere will and pleasure; but that, on the contrary, they bear every mark of a power arbitrarily assumed, and capriciously applied: that they are usually made in times of contest, and to serve some unworthy purpose of pas-

sion or party ; that the law is seldom declared until after the fact by which it is supposed to be violated ; that legislation and jurisdiction are united in the same persons, and exercised at the same moment ; and that a court from which there is no appeal, assumes an *original* jurisdiction in a criminal case. In short, sir, to collect a thousand absurdities into one mass, ‘ we have a law which cannot be known, because it is *ex post facto* : the party is both legislator and judge, and the jurisdiction is without appeal.’ Well might the judges say, ‘ *The law of parliament is above us.*’

You will not wonder, sir, that with these qualifications, the declaratory resolutions of the House of Commons should appear to be in perpetual contradiction, not only to common sense, and to the laws we are acquainted with (and which alone we can obey), but even to one another. I was led to trouble you with these observations by a passage, which, to speak in lutestring, *I met with this morning in the course of my reading*, and upon which I mean to put a question to the advocates for privilege. On the 8th of March, 1704 (*vide Journals*, vol. xiv. p. 566), the House thought proper to come to the following resolutions :—‘ That no commoner of England, committed by the House of Commons for breach of privilege or contempt of that House, ought to be, by any writ of *habeas corpus*, made to appear in any other place, or before any other judicature, during that session of parliament wherein such person was so committed.’

2. ‘ That the serjeant at arms, attending this House, do make no return of, or yield any obedience to, the said writs of *habeas corpus* ; and for such his refusal, that he have the protection of the House of Commons.’*

* If there be, in reality, any such law in England as the *law of parliament*, which (under the exception stated in my

Welbore Ellis, what say you? Is this the law of parliament, or is it not? I am a plain man, sir, and cannot follow you through the phlegmatic forms of an oration.* Speak out, Grildrig, say yes or no. If you say yes, I shall then inquire by what authority Mr de Grey, the honest Lord Mansfield, and the barons of the exchequer, dared to grant a writ of *habeas corpus* for bringing the bodies of the lord mayor and Mr Oliver before them; and why the lieutenant of the Tower made any return to a writ, which the House of Commons had, in a similar instance, declared to be unlawful. If you say no, take care you do not at once give up the cause in support of which you have so long and so laboriously tortured your understanding. Take care you do not confess that there is no test by which we can distinguish, no evidence by which we can determine, what is, and what is not, the law of parliament. The resolutions I have quoted stand upon your journals, uncontroverted and unrepealed: they contain a declaration of the law of parliament, by a court competent to the question, and whose decision, as you and Lord Mansfield say, must be law, because there is no appeal from it: and they were made not hastily, but after long deliberation upon a constitutional question. What farther sanction or solemnity will you annex to any resolution

letter on privilege), I confess, after long deliberation, I very much doubt, it certainly is not constituted by, nor can it be collected from, the resolutions of either house, whether *enacting or declaratory*. I desire the reader will compare the above resolutions of the year 1704, with the following of the 3d of April, 1628:—‘Resolved, That the writ of *habeas corpus* cannot be denied, but ought to be granted to *every* man that is committed or detained in prison, or otherwise restrained by the command of the king, the privy council, or any other, he praying the same.’

† Welbore Ellis was as remarkable for the dryness of his eloquence as for the precision of his dress, or the smallness of his stature. Grildrig comes well from Junius, who wished to be considered as a Brobdignagean.—*Ed.*

of the present House of Commons, beyond what appears upon the face of those two resolutions, the legality of which you now deny? If you say that parliaments are not infallible, and that Queen Anne, in consequence of the violent proceedings of that House of Commons, was obliged to prorogue and dissolve them, I shall agree with you very heartily, and think that the precedent ought to be followed immediately. But you, Mr Ellis, who hold this language, are inconsistent with your own principles. You have hitherto maintained, that the House of Commons are the sole judges of their own privileges, and that their declaration does *ipso facto* constitute the law of parliament; yet now you confess that parliaments are fallible, and that their resolutions may be illegal: consequently, that their resolutions do *not* constitute the law of parliament. When the king was urged to dissolve the present parliament, you advised him to tell his subjects, that *he was careful not to assume any of those powers which the constitution had placed in other hands, &c.* Yet Queen Anne, it seems, was justified in exerting her prerogative to stop a House of Commons, whose proceedings, compared with those of the assembly of which you are a most worthy member, were the perfection of justice and reason.

In what a labyrinth of nonsense does a man involve himself who labours to maintain falsehood by argument! How much better would it become the dignity of the House of Commons, to speak plainly to the people, and tell us, at once, *that their will must be obeyed; not because it is lawful and reasonable, but because it is their will!* Their constituents would have a better opinion of their candour, and, I promise you, not a worse opinion of their integrity.

PHILO JUNIUS.

LETTER XLIX.*

To his Grace the Duke of Grafton.

MY LORD,

June 22, 1771.

THE profound respect I bear to the gracious prince who governs this country with no less honour to himself than satisfaction to his subjects, and who restores you to your rank under his standard, will save you from a multitude of reproaches. The attention I should have paid to your failings, is involuntarily attached to the hand that rewards them; and though I am not so partial to the royal judgment as to affirm, that the favour of a king can remove mountains of infamy, it serves to lessen, at least (for undoubtedly it divides), the burden. While I remember how much is due to his sacred character, I cannot, with any decent appearance of propriety, call you the meanest and basest fellow in

* From one of the private letters of our author, addressed to his printer, and published in Woodfall's Junius, we learn, that, in his own opinion, this letter had so much merit, that if he found himself disappointed in its success with the public, "he positively would never write again." The superior merit of the letter, however, does not consist in a greater polish, or more harmonious flow of periods, but in the depth and force of the sarcasm which pervades it: and it is true, that, in this respect, it is not perhaps surpassed by any other in the collection.

The occasion upon which the letter was written was as follows:—During the recess of parliament of the year 1771, died Lord Halifax, who had held the office of secretary of state for the northern department. He was succeeded by the Earl of Suffolk; and the Duke of Grafton, who for more than a twelvemonth had been out of office, accepted the vacant post of lord privy-seal. Junius was understood to have had some share in formerly driving him from office, and he naturally felt a wish that his work should not be counteracted by this recall of his grace. This consideration will account for the anxiety which he expressed for the success of this letter.—*Ed.*

the kingdom. I protest, my lord, I do not think you so. You will have a dangerous rival in that kind of fame to which you have hitherto so happily directed your ambition, as long as there is one man living who thinks you worthy of his confidence, and fit to be trusted with any share in his government. I confess you have great intrinsic merit; but take care you do not value it too highly. Consider how much of it would have been lost to the world, if the king had not graciously affixed his stamp, and given it currency among his subjects. If it be true that a virtuous man, struggling with adversity, be* a scene worthy of the gods, the glorious contention between you and the best of princes deserves a circle equally attentive and respectable: I think I already see other gods rising from the earth to behold it.

But this language is too mild for the occasion. The king is determined that our abilities shall not be lost to society. The perpetration and description of new crimes will find employment for us both. My lord, if the persons who have been loudest in their professions of patriotism, had done their duty to the public with the same zeal and perseverance that I did, I will not assert that government would have recovered its dignity, but at least our gracious sovereign must have spared his subjects this last insult; † which, if there be any feeling left among us, they will resent more than even the real injuries they received from every measure of your grace's administration. In vain would he have looked round him for another character so consummate as yours. Lord Mansfield shrinks from his principles: ‡ his ideas of government, perhaps, go far-

* Junius has been frequently reproached with inaccuracy in the use of moods; and this seems to be one of the most remarkable of his mistakes.—*Ed.*

† The duke was lately appointed lord privy-seal.

‡ Lord Mansfield, as was formerly remarked, was frequently reproached with a want of courage to carry his

ther than your own; but his heart disgraces the theory of his understanding. Charles Fox is yet in blossom;* and as for Mr Wedderburne, there is something about him which even treachery cannot trust.† For the present, therefore, the best of princes must have contented himself with Lord Sandwich.‡ You would long since have received your final dismissal and reward; and I, my lord, who do not esteem you the more for the high office you possess, would willingly have followed you to your retirement. There is surely something singularly benevolent in the character of our sovereign. From the moment he ascended the throne, there is no crime of which human nature is capable (and I call upon the recorder§ to witness it) that has not appeared venial in his sight. With any other prince, the shameful desertion of him in the midst of that distress which you alone had created, in the very crisis of danger, when he fancied he saw the throne surrounded by men of virtue and abilities, would have outweighed the memory of your former services. But his majesty is full of justice, and understands the doctrine of compensations. He remembers, with gratitude, how soon you had ac-

principles into action; and his conduct, when interrogated by Lord Camden respecting the charge he had given on the trial of Woodfall, was probably the instance alluded to by our author in the present case.—*Ed.*

* The original partialities of Mr Fox were all in favour of the court; and, at his entrance into public life, he accordingly was attached to the tory party. Indeed, from the manner in which he is here spoken of by Junius, he was evidently regarded, at that time, as a person destined for even "desperate service" in defence of toryism.—*Ed.*

† It was remarked in note, page 595, that Wedderburne, afterwards Lord Rosslyn, had been at first a whig with Mr Grenville, but had recently accepted the office of solicitor general to the king.—*Ed.*

‡ The profligate private character of Lord Sandwich is repeatedly alluded to by Junius.—*Ed.*

§ The recorder of London was, of course, well acquainted with the circumstances attending the pardon of M'Quirk and the two Kennedies.—*Ed.*

commodated your morals to the necessity of his service; how cheerfully you had abandoned the engagements of private friendship, and renounced the most solemn professions to the public. The sacrifice of Lord Chatham was not lost upon him. Even the cowardice and perfidy of deserting him may have done you no disservice in his esteem. The instance was painful, but the principle might please.

You did not neglect the magistrate while you flattered the man. The expulsion of Mr Wilkes, predetermined in the cabinet; the power of depriving the subject of his birthright, attributed to a resolution of one branch of the legislature; the constitution impudently invaded by the House of Commons; the right of defending it treacherously renounced by the House of Lords;* these are the strokes, my lord, which, in the present reign, recommend to office and constitute a minister. They would have determined your sovereign's judgment, if they had made no impression upon his heart. We need not look for any other species of merit to account for his taking the earliest opportunity to recall you to his councils. But you have other merit in abundance. Mr Hine,† the Duke of Portland,‡ and Mr Yorke:§—Breach of trust, robbery, and murder. You would think it a compliment to your gallantry, if I added rape to the catalogue;

* When the House of Lords were urged to support the rights of the people, supposed to have been invaded in the Middlesex election, that House resolved, "that they had no right to impeach a judgment of the House of Commons in any case whatever where that House has a competent jurisdiction."—*Ed.*

† To whom the duke was accused of having sold a patent place.—*Ed.*

‡ From whom the duke attempted to take his Cumberland property, in order to transfer it to Sir James Lowther.—*Ed.*

§ Who put an end to his own life after accepting the office of chancellor.—*Ed.*

but the style of your amours secures you from resistance. I know how well these several charges have been defended. In the first instance, the breach of trust is supposed to have been its own reward. Mr Bradshaw affirms, upon his honour, (and so may the gift of smiling never depart from him !) that you reserved no part of Mr Hine's purchase-money for your own use, but that every shilling of it was scrupulously paid to Governor Burgoyne. Make haste, my lord ; another patent, applied in time, may keep the *Oaks** in the family. If not, Birnham-Wood, I fear, must come to the *Macaroni*.†

The Duke of Portland was in life your earliest friend. In defence of his property, he had nothing to plead but equity against Sir James Lowther, and prescription against the crown. You felt for your friend : *but the law must take its course*. Posterity will scarce believe that Lord Bute's son-in-law had barely interest enough at the treasury to get his grant completed before the general election.‡

Enough has been said of that detestable transaction which ended in the death of Mr Yorke : I cannot speak of it without horror and compassion. To excuse yourself, you publicly impeach your accomplice ; and to *his* mind, perhaps, the accusation may be flattery. But in murder you are both principals. It was once a question of emulation ; and, if the event had not disappointed the immediate schemes of the closet, it might still have been a hopeful subject of jest and merriment between you.

* A superb villa of Colonel Burgoyne's, about this time advertised for sale.

† That is, to public sale.—*Ed.*

‡ It will appear, by a subsequent letter, that the duke's precipitation proved fatal to the grant. It looks like the hurry and confusion of a young highwayman, who takes a few shillings, but leaves the purse and watch behind him.—And yet the duke was an old offender.

This letter, my lord, is only a preface to my future correspondence. The remainder of the summer shall be dedicated to your amusement. I mean now and then to relieve the severity of your morning studies, and to prepare you for the business of the day. Without pretending to more than Mr Bradshaw's sincerity, you may rely upon my attachment as long as you are in office.

Will your grace forgive me, if I venture to express some anxiety for a man whom I know you do not love? My Lord Weymouth* has cowardice to plead, and a desertion of a later date than your own. You know the privy-seal was intended for him; and if you consider the dignity of the post he deserted, you will hardly think it decent to quarter him on Mr Rigby. Yet he must have bread, my lord; or rather he must have wine. If you deny him the cup, there will be no keeping him within the pale of the ministry.

JUNIUS.

LETTER L.†

To his Grace the Duke of Grafton.

MY LORD,

July 9, 1771.

THE influence of your grace's fortune still seems to preside over the treasury. The genius of Mr

* Lord Weymouth resigned after the affair of the Falkland Islands, and was therefore, probably, a little in the good graces of Junius. But his lordship was much attached to his bottle: hence the concluding figure.—*Ed.*

† For understanding this letter, it is only necessary to keep in mind, that, in a recent struggle for the office of sheriff, Wilkes and Oliver, who formerly had pursued the same line of politics, were rival candidates. Horne Tooke, who had quarrelled with Wilkes, took the side of Oliver (the same person who had lately been sent to the Tower

Bradshaw inspires Mr Robinson.* How remarkable it is (and I speak of it not as a matter of reproach, but as something peculiar to your character) that you have never yet formed a friendship which has not been fatal to the object of it; nor adopted a cause, to which, one way or other, you have not done mischief! Your attachment is infamy while it lasts; and, which ever way it turns, leaves ruin and disgrace behind it. The deluded girl who yields to such a profligate, even while he is constant, forfeits her reputation as well as her innocence, and finds herself abandoned at last to misery and shame. Thus it happened with the best of princes. Poor Dingley,† too! I protest I hardly know which of them we ought most to lament; the unhappy man who sinks under the sense of his dishonour, or him who survives it. Characters so finished are placed beyond the reach of panegyric. Death has fixed his seal upon Dingley; and you, my lord, have set your mark upon the other.

The only letter I ever addressed to the king was so unkindly received, that I believe I shall never presume to trouble his majesty in that way again.

along with the lord mayor). The ministerial candidates, Plumbe and Kirkman, were outvoted; Wilkes and Bull were chosen; and Oliver, who was supported by all the efforts of Horne Tooke, was left at the bottom of the poll. But Junius maintained that Horne had supported Oliver, in order that, by lessening the votes for Wilkes, the ministerial candidates might have a better chance.—*Ed.*

* By an intercepted letter from the secretary of the treasury, it appeared, *that the friends of government were to be very active* in supporting the ministerial nomination of sheriffs.—*Author.*

Robinson was the secretary here alluded to; and he is said to have done the same services for Lord North which Bradshaw had done for the Duke of Grafton.—*Ed.*

† Dingley was formerly mentioned as a person whom the Duke of Grafton had intended for being representative of Middlesex. But Dingley could not obtain a single vote; and his bad success is said to have recently occasioned his death.—*Ed.*

But my zeal for his service is superior to neglect; and, like Mr Wilkes's patriotism, thrives by persecution. Yet his majesty is much addicted to useful reading; and, if I am not ill informed, has honoured the *Public Advertiser* with particular attention. I have endeavoured, therefore, and not without success (as, perhaps, you may remember), to furnish it with such interesting and edifying intelligence, as probably would not reach him through any other channel. The services you have done the nation, your integrity in office, and signal fidelity to your approved good master, have been faithfully recorded. Nor have his own virtues been entirely neglected. These letters, my lord, are read in other countries and in other languages; and I think I may affirm, without vanity, that the gracious character of the best of princes is, by this time, not only perfectly known to his subjects, but tolerably well understood by the rest of Europe. In this respect alone I have the advantage of Mr Whitehead.* His plan, I think, is too narrow. He seems to manufacture his verses for the sole use of the hero who is supposed to be the subject of them, and, that his meaning may not be exported in foreign bottoms, sets all translation at defiance.

Your grace's re-appointment to a seat in the cabinet was announced to the public by the ominous return of Lord Bute to this country.† When that noxious planet approaches England, he never fails to bring plague and pestilence along with him. The king already feels the malignant spirit of your influence over his councils. Your former administration made Mr Wilkes an alderman of London and representative of Middlesex. Your next appearance in office is marked with his election to the shrievalty. In whatever measure you are concern-

* The poet laureate.—*Ed.*

† Lord Bute had just returned from a visit to the continent.—*Ed.*

ed, you are not only disappointed of success, but always contrive to make the government of the best of princes contemptible in his own eyes, and ridiculous to the whole world. Making all due allowance for the effect of the minister's declared interposition, Mr Robinson's activity, and Mr Horne's new zeal in support of administration,* we still want the genius of the Duke of Grafton to account for committing the whole interest of government in the city to the conduct of Mr Harley. I will not bear hard upon your faithful friend and emissary, Mr Touchet; for I know the difficulties of his situation, and that a few lottery tickets are of use to his economy. There is a proverb concerning persons in the predicament of this gentleman, which, however, cannot be strictly applied to him, *They commence dupes, and finish knaves*. Now, Mr Touchet's character is uniform. I am convinced that his sentiments never depended upon his circumstances; and that, in the most prosperous state of his fortune, he was always the very man he is at present. But was there no other person of rank and consequence in the city, whom government could confide in, but a notorious Jacobite? Did you imagine that the whole body of the dissenters, that the whole whig interest of London, would attend at the levee, and submit to the directions of a notorious Jacobite? Was there no whig magistrate in the city, to whom the servants of George the Third could intrust the management of a business so very interesting to their master as the election of sheriffs? Is there no room at St James's but for Scotchmen and Jacobites? My lord, I do not mean to question the sincerity of Mr Harley's attachment to his majesty's government. Since the commencement of the present reign, I have seen still greater contradictions reconciled. The principles of these worthy Jaco-

* During the recent contest for the shrievalty.—Ed.

bites are not so absurd as they have been represented. Their ideas of divine right are not so much annexed to the person or family, as to the political character of the sovereign. Had there ever been an honest man among the Stuarts, his majesty's present friends would have been whigs upon principle.* But the conversion of the best of princes has removed their scruples. They have forgiven him the sins of his Hanoverian ancestors, and acknowledged the hand of Providence in the descent of the crown upon the head of a true Stuart. In you, my lord, they also behold, with a kind of predilection which borders upon loyalty, the natural representative of that illustrious family. The mode of your descent from Charles the Second is only a bar to your pretensions to the crown, and no way interrupts the regularity of your succession to all the virtues of the Stuarts.

The unfortunate success of the reverend Mr Horne's endeavours in support of the ministerial nomination of sheriffs, will, I fear, obstruct his preferment. Permit me to recommend him to your grace's protection. You will find him copiously gifted with those qualities of the heart which usually direct you in the choice of your friendships. He too was Mr Wilkes's friend, and as incapable as you are of the liberal resentment of a gentleman. No, my lord; it was the solitary vindictive malice of a monk, brooding over the infirmities of his friend, until he thought they quickened into public life, and feasting with a rancorous rapture upon the sordid catalogue of his distresses.† Now let him go back to his cloister. The church is a proper retreat for him. In his principles he is already a bishop.

* He means to say, that from a native dishonesty of principle, they would have opposed any honest sovereign.—*Ed.*

† Horne and Wilkes had lately carried on a rancorous and personal contest in the public papers.—*Ed.*

The mention of this man has moved me from my natural moderation. Let me return to your grace. You are the pillow upon which I am determined to rest all my resentments. What idea can the best of sovereigns form to himself of his own government? In what repute can he conceive that he stands with the people, when he sees, beyond the possibility of a doubt, that whatever be the office, the suspicion of his favour is fatal to the candidate; and that, when the party he wishes well to has the fairest prospect of success, if his royal inclination should unfortunately be discovered, it drops like an acid, and turns the election?

This event among others, may, perhaps, contribute to open his majesty's eyes to his real honour and interest. In spite of all your grace's ingenuity, he may, at last, perceive the inconvenience of selecting, with such a curious felicity, every villain in the nation to fill the various departments of his government. Yet I should be sorry to confine him in the choice either of his footmen or his friends.

JUNIUS.

LETTER LI.*

From the Rev. Mr Horne to Junius.

SIR, July 13, 1771.
FARCE, *Comedy*, and *Tragedy*, *Wilkes*, *Footc*,
 and *Junius*—united at the same time against one

* It seems Foote had lately caricatured Horne on the stage; and all Wilkes' pretensions to patriotism appeared to Mr Horne to be but a *farce*.

It is only necessary for understanding the subject of dispute between Junius and Horne, to recollect what was sta-

poor parson, are fearful odds. The two former are only labouring in their vocation, and may equally plead, in excuse, that their aim is a livelihood. I admit the plea for the *second*: his is an honest calling, and my clothes were lawful game; but I cannot so readily approve Mr Wilkes, or commend him for making patriotism a trade, and a fraudulent trade. But what shall I say to Junius? the grave, the solemn, the didactic! Ridicule, indeed, has been ridiculously called the test of truth; but surely, to confess that you lose your natural moderation when mention is made of the man, does not promise much truth or justice when you speak of him yourself.

You charge me with 'a new zeal in support of administration,' and with 'endeavours in support of the ministerial nomination of sheriffs.' The reputation which your talents have deservedly gained to the signature of Junius, draws from me a reply which I disdained to give to the anonymous lies of Mr Wilkes. You make frequent use of the word *gentleman*; I only call myself a *man*, and desire no other distinction. If you are either, you are bound to make good your charges, or to confess that you have done me a hasty injustice upon no authority.

I put the matter fairly to issue. I say that, so far from any 'new zeal in support of administration,' I am possessed with the utmost abhorrence

ed in a former note, namely, that in the contest for the shrievalty, Plumbe and Kirkman were the candidates supported by the ministry, that Wilkes and Bull relied on the favour of the populace, and that Oliver was supported by Mr Horne. Junius, who sometimes suspected a plot where there was none, had hastily represented Horne's support of Oliver as merely intended to lessen the number of voters for Wilkes, and of course to give the ministerial candidate a better chance; but Horne positively denied the charge, and was too good a dialectician to permit his antagonist to escape from the ground on which he had thus been overthrown.

—Ed.

of their measures ; and that I have ever shown myself, and am still ready in any rational manner, to lay down all I have—my life, in opposition to those measures. I say, that I have not, and never have had, any communication or connexion of any kind, directly or indirectly, with any courtier or ministerial man, or any of their adherents ; that I never have received, or solicited, or expected, or desired, or do now hope for, any reward of any sort, from any party or set of men in administration or opposition. I say, that I never used any ‘endeavours in support of the ministerial nomination of sheriffs ;’ that I did not solicit any one livery-man for his vote for any one of the candidates, or employ any other person to solicit ; and that I did not write one single line or word in favour of Messrs Plumbe and Kirkman, whom I understand to have been supported by the ministry.

You are bound to refute what I here advance, or to lose your credit for veracity. You must produce facts ; surmise and general abuse, in however elegant language, ought not to pass for proofs. You have every advantage, and I have every disadvantage : you are unknown ; I give my name. All parties, both in and out of administration, have their reasons (which I shall relate hereafter,) for uniting in their wishes against me : and the popular prejudice is as strongly in your favour as it is violent against the parson.

Singular as my present situation is, it is neither painful, nor was it unforeseen. He is not fit for public business, who does not, even at his entrance, prepare his mind for such an event. Health, fortune, tranquillity, and private connexions, I have sacrificed upon the altar of the public ; and the only return I received, because I will not concur to dupe and mislead a senseless multitude, is barely, that they have not yet torn me in pieces. That this has been the only return is my pride, and a source

of more real satisfaction than honours or prosperity. I can practise, before I am old, the lessons I learned in my youth ; nor shall I forget the words of my ancient monitor :

'Tis the last key-stone
That makes the arch ; the rest that there were put,
Are nothing till that comes to bind and shut ;
Then stands it a triumphal mark. Then men
Observe the strength, the height, the why and when,
It was erected ; and still walking under,
Meet some new matter to look up and wonder !"

I am, sir, your humble servant,
JOHN HORNE.

LETTER LII.

To the Reverend Mr Horne.

SIR,

July 24, 1771.

I CANNOT descend to an altercation with you in the newspapers : but since I have attacked your character, and you complain of injustice, I think you have some right to an explanation. You defy me to prove, that you ever solicited a vote, or wrote a word in support of the ministerial aldermen. Sir, I never did suspect you of such gross folly. It would have been impossible for Mr Horne to have solicited votes, and very difficult to have written in the newspapers in defence of that cause, without being detected, and brought to shame. Neither do I pretend to any intelligence concerning you, or to know more of your conduct than you yourself have thought proper to communicate to the public. It is from your own letters,* I conclude, that you have

* The letters here alluded to are the long correspondence between Horne and Wilkes, which had lately appeared in the public papers.—*Ed.*

sold yourself to the ministry : or, if that charge be too severe, and supposing it possible to be deceived by appearances so very strongly against you, what are your friends to say in your defence ? Must they not confess, that, to gratify your personal hatred of Mr Wilkes, you sacrificed, as far as depended on your interest and abilities, the cause of the country ? I can make allowance for the violence of the passions ; and if ever I should be convinced that you had no motive but to destroy Wilkes, I shall then be ready to do justice to your character, and to declare to the world, that I despise you somewhat less than I do at present. But, as a public man, I must for ever condemn you. You cannot but know (nay, you dare not pretend to be ignorant), that the highest gratifications of which the most detestable —— in this nation is incapable,* would have been the defeat of Wilkes. I know that man much better than any of you. Nature intended him only for a good-humoured fool. A systematical education, with long practice, has made him a consummate hypocrite. Yet this man, to say nothing of his worthy ministers, you have most assiduously laboured to gratify. To exclude Wilkes, it was not necessary you should solicit votes for his opponents. We incline the balance as effectually by lessening the weight in one scale as by increasing it in the other.

The mode of your attack upon Wilkes (though I am far from thinking meanly of your abilities) convinces me that you either want judgment extremely, or that you are blinded by your resentment. You ought to have foreseen that the charges

* Perhaps this is the most detestable passage in the whole of the Letters. It proves also how ill understood the true character of the person here referred to then was. But it ought also to be taken into account, that Junius felt himself at this moment on bad ground, and the sense of his insecurity had probably made him lose temper.—*Ed.*

you urged against Wilkes could never do him any mischief. After all, when we expected discoveries highly interesting to the community, what a pitiful detail did it end in !—some old clothes,*—a Welch pony—a French footman—and a hamper of claret. Indeed, Mr Horne, the public should and will forgive him his claret and his footmen, and even the ambition of making his brother chamberlain of London, as long as he stands forth against a ministry and parliament who are doing every thing they can to enslave the country, and as long as he is a thorn in the king's side. You will not suspect me of setting up Wilkes for a perfect character. The question to the public is, where shall we find a man who, with purer principles, will go the lengths, and run the hazards, that he has done ? The season calls for such a man, and he ought to be supported. What would have been the triumph of that odious hypocrite and his minions, if Wilkes had been defeated ! It was not your fault, reverend sir, that he did not enjoy it completely. But now, I promise you, you have so little power to do mischief, that I much question whether the ministry will adhere to the promises they have made you. It will be in vain to say that I am a partisan of Mr Wilkes, or personally your enemy. You will convince no man, for you do not believe it yourself. Yet I confess I am a little offended at the low rate at which you seem to value my understanding. I beg, Mr Horne, you will hereafter believe, that I measure the integrity of men by their conduct,

* For understanding this passage, it is necessary to recollect, that in the course of the controversy already referred to, Horne had accused Wilkes of having pawned some clothes which Horne had left to his care in Paris—of having commissioned a friend of Horne's to purchase a pony for which he had never paid—of retaining some French servants in his family—of drinking claret while a prisoner in the King's Bench, and of endeavouring to make his brother chamberlain of London.—*Ed.*

not by their professions. Such tales may entertain Mr Oliver, or your grandmother; but trust me, they are thrown away upon Junius.

You say you are a *man*. Was it generous, was it manly, repeatedly to introduce into a newspaper, the name of a young lady* with whom you must heretofore have lived on terms of politeness and good humour? But I have done with you. In my opinion your credit is irrecoverably ruined. Mr Townshend, I think, is nearly in the same predicament. Poor Oliver has been shamefully duped by you. You have made him sacrifice all the honour he got by his imprisonment. As for Mr Sawbridge, whose character I really respect, I am astonished he does not see through your duplicity. Never was so base a design so poorly conducted. This letter,† you see, is not intended for the public; but, if you think it will do you any service, you are at liberty to publish it.

JUNIUS.

LETTER LIII.

From the Rev. Mr Horne to Junius.

SIR,

July 31, 1771.

You have disappointed me. When I told you that surmise and general abuse, in however elegant lan-

* The lady here mentioned was Miss Wilkes, who was much admired both for her beauty and good sense. The reader may see a curious correspondence between Junius and Mr Wilkes, relative to this lady, in Woodfall's Junius. The correspondence began by a compliment paid by Junius to the good sense of Miss Wilkes, and her father seized the opportunity of attempting to introduce Junius to his daughter; but Junius declined the honour on the score of too advanced years and an unsuitable figure.—*Ed.*

† This letter was transmitted privately by the printer to Mr Horne, at Junius' request. Mr Horne returned it to the printer, with directions to publish it.

guage, ought not to pass for proofs, I evidently hinted at the reply which I expected : but you have dropped your usual elegance, and seem willing to try what will be the effect of surmise and general abuse in very coarse language. Your answer to my last letter (which, I hope, was cool, and temperate, and modest,) has convinced me, that my idea of a *man* is much superior to yours of a *gentleman*. Of your former letters, I have always said, *Materiem superabat opus* : I do not think so of the present : the principles are more detestable* than the expressions are mean and illiberal. I am contented that all those who adopt the one should for ever load me with the other.

I appeal to the common sense of the public, to which I have ever directed myself : I believe they have it ; though I am sometimes half inclined to suspect that Mr Wilkes has formed a truer judgment of mankind than I have.† However, of this I am sure, that there is nothing else upon which to place a steady reliance. Trick, and low cunning, and addressing their prejudices and passions, may be the fittest means to carry a particular point ; if they have not common sense, there is no prospect of gaining for them any real permanent good. The same passions which have been artfully used by an honest man for their advantage, may be more artfully employed by a dishonest man for their destruction. I desire them to apply their common sense to this letter of Junius, not for my sake, but

* Considering this as sarcasm, the author meant to say, that, taking the degrees of infamy as a scale of estimation, the *principles* had the advantage. But if sarcasm was not meant, we must suppose a word to have been omitted, and that the sentence should run thus : " The principles are *not* more detestable than the expressions are mean and illiberal."—*Ed.*

† Horne wishes to represent himself as acting with perfect openness and fair dealing, while Wilkes made use of the passions or follies of the people to gain his object.—*Ed.*

their own ; it concerns them most nearly ; for the principles it contains lead to disgrace and ruin, and are inconsistent with every notion of civil society.

The charges which Junius has brought against me are made ridiculous by his own inconsistency and self-contradiction. He charges me positively with ‘ a new zeal in support of administration :’ and with ‘ endeavours in support of the ministerial nomination of sheriffs.’ And he assigns two inconsistent motives for my conduct : either that I have ‘ sold myself to the ministry ;’ or am instigated ‘ by the solitary vindictive *malice* of a monk :’ either that I am influenced by a sordid desire of gain, or am hurried on by ‘ personal hatred, and blinded by resentment.’ In his letter to the Duke of Grafton, he supposes me actuated by both : in his letter to me, he at first doubts which of the two, whether interest or revenge is my motive. However, at last he determines for the former, and again positively asserts, ‘ that the ministry have made me promises :’ yet he produces no instance of corruption, nor pretends to have any intelligence of a ministerial connexion. He mentions no cause of personal hatred to Mr Wilkes, nor any reason for my resentment or revenge ; nor has Mr Wilkes himself ever hinted any, though repeatedly pressed. When Junius is called upon to justify his accusation, he answers, ‘ He cannot descend to an altercation with me in the newspapers.’ Junius, who exists only in the newspapers, who acknowledges he has ‘ attacked my character’ there, and thinks ‘ I have some right to an explanation,’ yet this Junius ‘ cannot condescend to an altercation in the newspapers !’ And because he cannot descend to an altercation with me in the newspapers, he sends a letter of abuse, by the printer, which he finishes with telling me, ‘ I am at liberty to *publish it.*’ This, to be sure, is a most excellent method to avoid an altercation in the newspapers !

The proofs of his positive charges are as extraordinary. 'He does not pretend to any intelligence concerning me, or to know more of my conduct than I myself have thought proper to communicate to the public.' He does not suspect me of such gross folly as to have solicited votes, or to have written anonymously in the newspapers; because it is impossible to do either without being detected, and brought to shame. Junius says this! who yet imagines that he has himself written two years under that signature (and more under *others*) without being detected! his warmest admirers will not hereafter add, *without being brought to shame*. But, though he did never suspect me of such gross folly as to run the hazard of being detected, and brought to shame, by anonymous writing, he insists that I have been guilty of a much grosser folly, of incurring the certainty of shame and detection, by writings signed with my name! But this is a small flight for the towering Junius: 'He is far from thinking meanly of my abilities,' though 'he is convinced that I want judgment extremely;' and can 'really respect Mr Sawbridge's character,' though he declares him* to be so poor a creature, as not to 'see through the basest design, conducted

* I beg leave to introduce Mr Horne to the character of the *Double Dealer*. I thought they had been better acquainted. 'Another very wrong objection has been made by some, who have not taken leisure to distinguish the characters. The hero of the play (meaning *Mellefont*) is a gull, and made a fool, and cheated. Is every man a gull and a fool that is deceived? At that rate, I am afraid, the two classes of men will be reduced to one, and the knaves themselves be at a loss to justify their title. But if an open, honest-hearted man, who has an entire confidence in one, whom he takes to be his friend, and who (to confirm him in his opinion) in all appearance, and upon several trials, has been so, if this man be deceived by the treachery of the other, must he of necessity commence fool immediately, only because the other has proved a villain?' Yes, says parson Horne. No, says Congreve: and he, I think, is allowed to have known something of human nature.

in the poorest manner. And this most base design is conducted in the poorest manner by a man, whom he does not suspect of gross folly, and of whose abilities he is far from thinking meanly !

Should we ask Junius to reconcile these contradictions, and explain this nonsense, the answer is ready : ‘ He cannot descend to an altercation in the newspapers.’ He feels no reluctance to attack the character of any man : the throne is not too high, nor the cottage too low : his mighty malice can grasp both extremes. He hints not his accusations as opinion, conjecture, or inference, but delivers them as positive assertions. Do the accused complain of injustice ? He acknowledges they have some sort of right to an explanation ; but if they ask for proofs and facts, he begs to be excused ; and though he is no where else to be encountered, ‘ he cannot descend to an altercation in the newspapers :’

And this, perhaps, Junius may think ‘ the *liberal resentment of a gentleman* ;’ this skulking assassination he may call courage. In all things, as in this, I hope we differ.

‘ I thought that fortitude had been a mean
 ’Twixt fear and rashness ; not a lust obscene,
 Or appetite of offending ; but a skill
 And nice discernment between good and ill.
 Her ends are honesty and public good :
 And without these she is not understood.’

Of two things, however, he has condescended to give proof. He very properly produces a *young lady* to prove that I am not a man ; and a good *old woman*, my grandmother, to prove Mr Oliver a fool. Poor old soul ! she read her Bible far otherwise than Junius ! She often found there, that the sins of the fathers had been visited on the children ; and therefore was cautious that herself, and her immediate descendants, should leave no reproach on her posterity : and they left none. How

little could she foresee this reverse of Junius, who visits my political sins upon my grandmother ! I do not charge this to the score of malice in him ; it proceeded entirely from his propensity to blunder ; that whilst he was reproaching me for introducing, in the most harmless manner, the name of one female, he might himself, at the same instant, introduce two.

I am represented, alternately, as it suits Junius's purpose, under the opposite characters of a *gloomy monk*, and a man of *politeness* and *good-humour*. I am called '*a solitary monk*,' in order to confirm the notion given of me in Mr Wilkes's anonymous paragraphs, that I never laugh. And the terms of politeness and good humour, on which I am said to have lived heretofore with the young lady, are intended to confirm other paragraphs of Mr Wilkes, in which he is supposed to have offended me by *refusing his daughter*. Ridiculous ! Yet I cannot deny but that Junius has proved me unmanly and ungenerous, as clearly as he has shown me corrupt and vindictive : and I will tell him more ; I have paid the present ministry as many visits and compliments as ever I paid to the young lady ; and shall all my life treat them with the same politeness and good humour.

But Junius 'begs me to believe, that he measures the integrity of men by their conduct, not by their professions.' Sure this Junius must imagine his readers as void of understanding as he is of modesty ! Where shall we find the standard of his integrity ? By what are we to measure the conduct of this lurking assassin ? And he says this to me, whose conduct, wherever I could personally appear, has been as direct, and open, and public, as my words. I have not, like him, concealed myself in my chamber, to shoot my arrows out of the window ; nor contented myself to view the battle from afar ; but publicly mixed in the engagement, and

shared the danger. To whom have I, like him, refused my name, upon complaint of injury? What printer have I desired to conceal me? In the infinite variety of business in which I have been concerned, where it is not so easy to be faultless, which of my actions can he arraign? To what danger has any man been exposed, which I have not faced? *Information, action, imprisonment, or death?* What labour have I refused? What expense have I declined? What pleasure have I not renounced? But Junius, to whom no conduct belongs, ‘measures the integrity of men by their conduct, not by their professions:’ himself, all the while, being nothing but professions, and those too anonymous. The political ignorance, or wilful falsehood, of this declaimer, is extreme. His own former letters justify both my conduct and those whom his last letter abuses: for the public measures which Junius has been all along defending, were ours whom he attacks; and the uniform opposer of those measures has been Mr Wilkes, whose bad actions and intentions he endeavours to screen.

Let Junius now, if he pleases, change his abuse, and, quitting his loose hold of interest and revenge, accuse me of vanity, and call this defence boasting. I own I have pride to see statues decreed, and the highest honours conferred, for measures and actions which all men have approved; whilst those who counselled and caused them are execrated and insulted. The darkness in which Junius thinks himself shrouded, has not concealed him; nor the artifice of only *attacking under that signature* those he would pull down, whilst he *recommends by other ways* those he would have promoted, disguised from me whose partisan he is.* When Lord Chatham

* Horne seems to have considered Junius and Wilkes as persons employed by the two leading parties in opposition, the Chatham and Rockingham parties, to harass government,

can forgive the awkward situation in which, for the sake of the public, he was designedly placed by the thanks to him from the city; and when Wilkes's name ceases to be necessary to Lord Rockingham, to keep up a clamour against the persons of the ministry, without obliging the different factions, now in opposition, to bind themselves beforehand to some certain points, and to stipulate some precise advantages to the public; then, and not till then, may those whom he now abuses expect the approbation of Junius. The approbation of the public for our faithful attention to their interest, by endeavours for those stipulations, which have made us as obnoxious to the factions in opposition as to those in administration, is not, perhaps, to be expected till some years hence; when the public will look back, and see how shamefully they have been deluded, and by what arts they were made to lose the golden opportunity of preventing what they will surely experience,—a change of ministers, without a material change of measures, and without any security for a tottering constitution. But what cares Junius for the security of the constitution? He has now unfolded to us his diabolical principles. As a public man he must ever condemn any measure which may tend accidentally to gratify the sovereign; and Mr Wilkes is to be supported and assisted in all his attempts (no matter how ridiculous and mischievous his projects) *as long as he continues to be a thorn in the king's side!* The cause of the country, it seems, in the opinion of Junius, is merely to vex the king; and any rascal is to be

so that stipulations might be demanded from the opposition before offering them those offices which the ministry might be forced to relinquish. This idea is more fully disclosed in the remaining part of this letter. Lord Chatham had been complimented by the city on his supposed declaration in favour of short parliaments; but his lordship, in his reply, begged leave to decline the compliment.—*Ed.*

supported in any roguery, provided he can only thereby plant *a thorn in the king's side*. This is the very extremity of faction, and the last degree of political wickedness. Because Lord Chatham has been ill-treated by the king, and treacherously betrayed by the Duke of Grafton, the latter is to be 'the pillow on which Junius will rest his resentment;' and the public are to oppose the measures of government from mere motives of personal enmity to the sovereign! These are the avowed principles of the man who, in the same letter, says, 'If ever he should be convinced that I had no motive but to destroy Wilkes, he shall then be ready to do justice to my character, and to declare to the world, that he despises me somewhat less than he does at present!' Had I ever acted from personal affection or enmity to Mr Wilkes, I should justly be despised: but what does he deserve, whose avowed motive is personal enmity to the sovereign? The contempt which I should otherwise feel for the absurdity and glaring inconsistency of Junius, is here swallowed up in my abhorrence of his principles. The *right divine* and *sacredness* of kings is to me a senseless jargon. It was thought a daring expression of Oliver Cromwell, in the time of Charles the First, that, if he found himself placed opposite to the king in battle, he would discharge his piece into his bosom as soon as into any other man's. I go farther: had I lived in those days, I would not have waited for chance to give me an opportunity of doing my duty; I would have sought him through the ranks, and, without the least personal enmity, have discharged my piece into his bosom rather than into any other man's. The king, whose actions justify rebellion to his government, deserves death from the hand of every subject. And should such a time arrive, I shall be as free to act as to say; but, till then, my attachment to the person and family of the sovereign shall ever be found

more zealous and sincere than that of his flatterers. I would offend the sovereign with as much reluctance as the parent : but if the happiness and security of the whole family made it necessary, so far, and no farther, I would offend him without remorse.

But let us consider a little whither these principles of Junius would lead us. Should Mr Wilkes once more commission Mr Thomas Walpole to procure for him a pension of one thousand pounds, upon the Irish establishment, for thirty years, he must be supported in the demand by the public, because it would mortify the king !

Should he wish to see Lord Rockingham and his friends once more in administration, unclogged by any stipulations for the people, that he might again enjoy a pension of one thousand and forty pounds a-year, viz. from the first lord of the treasury, L.500, from the lords of treasury L.60 each ; from the lords of trade, L.40 each, &c. the public must give up their attention to points of national benefit, and assist Mr Wilkes in his attempt, because it would mortify the king !

Should he demand the government of Canada, or of Jamaica, or the embassy to Constantinople, and, in case of refusal, threaten to write them down, as he had before served another administration, in a year and a half, he must be supported in his pretensions, and upheld in his insolence, because it would mortify the king !

Junius may choose to suppose that these things cannot happen ! But that they have happened, notwithstanding Mr Wilkes's denial, I do aver. I maintain that Mr Wilkes did commission Mr Thomas Walpole to solicit for him a pension of one thousand pounds, on the Irish establishment, for thirty years ; with which, and a pardon, he declared he would be satisfied : and that, notwithstanding his letter to Mr Onslow, he did accept a

clandestine, precarious, and eleemosynary pension from the Rockingham administration, which they paid in proportion to, and out of their salaries; and so entirely was it ministerial, that, as any of them went out of the ministry, their names were scratched out of the list, and they contributed no longer. I say, he did solicit the governments, and the embassy, and threatened their refusal nearly in these words: "It cost me a year and a half to write down the last administration; should I employ as much time upon you, very few of you would be in at the death." When these threats did not prevail, he came over to England to embarrass them by his presence: and when he found that Lord Rockingham was something firmer, and more manly, than he expected, and refused to be bullied into what he could not perform, Mr Wilkes declared that he could not leave England without money; and the Duke of Portland and Lord Rockingham purchased his absence with one hundred pounds a-piece, with which he returned to Paris. And for the truth of what I here advance, I appeal to the Duke of Portland, to Lord Rockingham, to John Lord Cavendish, to Mr Walpole, &c. I appeal to the hand-writing of Mr Wilkes, which is still extant.

Should Mr Wilkes afterwards (failing in this wholesale trade) choose to dole out his popularity by the pound, and expose the city offices to sale to his brother, his attorney, &c. Junius will tell us, it is only an ambition that he has to make them chamberlain, town clerk, &c. and he must not be opposed in thus robbing the ancient citizens of their birthright, because any defeat of Mr Wilkes would gratify the king!

Should he, after consuming the whole of his own fortune, and that of his wife, and incurring a debt of twenty thousand pounds, merely by his own private extravagance, without a single service or

exertion all this time for the public, whilst his estate remained ; should he, at length, being undone, commence patriot, have the good fortune to be illegally persecuted, and, in consideration of that illegality, be espoused by a few gentlemen of the purest public principles ; should his debts, though none of them were contracted for the public, and all his other encumbrances, be discharged ; should he be offered £600 or £1000 a-year to make him independent for the future ; and should he, after all, instead of gratitude for these services, insolently forbid his benefactors to bestow their own money upon any other object but himself,* and revile them for setting any bounds to their supplies ; Junius (who, any more than Lord Chatham, never contributed one farthing to these enormous expenses) will tell them, that if they think of converting the supplies of Mr Wilkes's private extravagance to the support of public measures, they are as great fools as my grandmother ; and that Mr Wilkes ought to hold the strings of their purses, *as long as he continues to be a thorn in the king's side !*

Upon these principles I never have acted, and I never will act. In my opinion, it is less dishonourable to be the creature of a court than the tool of a faction. I will not be either. I understand the two great leaders of opposition to be Lord Rockingham and Lord Chatham ; under one of whose banners all the opposing members of both Houses, who desire to get places, inlist. I can place no confidence in either of them, or in any others, unless they will now engage, whilst they are *out*, to grant certain essential advantages for the security of the public when they shall be *in*

* Horne had objected to the disposal of the contributions by the Bill of Rights' Society, which Wilkes insisted should be appropriated to himself.—*Ed.*

administration. These points they refuse to stipulate, because they are fearful lest they should prevent any future overtures from the court. To force them to these stipulations has been the uniform endeavour of Mr Sawbridge, Mr Townshend, Mr Oliver, &c. and *therefore* they are abused by Junius. I know no reason, but my zeal and industry in the same cause, that should entitle me to the honour of being ranked by his abuse with persons of their fortune and station. It is a duty I owe to the memory of the late Mr Beckford,* to say, that he had no other aim than this, when he provided that sumptuous entertainment at the Mansion House, for the members of both Houses in opposition. At that time, he drew up the heads of an engagement, which he gave to me, with a request that I would couch it in terms so cautious and precise, as to leave no room for future quibble and evasion; but to oblige them either to fulfil the intent of the obligation, or to sign their own infamy, and leave it on record; and this engagement he was determined to propose to them at the Mansion House, that either by their refusal they might forfeit the confidence of the public, or, by the engagement, lay a foundation for confidence.

When they were informed of the intention, Lord Rockingham and his friends flatly refused any engagement; and Mr Beckford as flatly swore, they should then "eat none of his broth," and he was determined to put off the entertainment; but Mr Beckford was prevailed upon by ——— to indulge them in the ridiculous parade of a popular procession through the city, and to give them the foolish pleasure of an imaginary consequence, for the real benefit only of the cooks and purveyors.

* This mayor, Beckford (the same who made the celebrated reply to the king) gave a grand entertainment to the opposition of both Houses, at which forty-five noblemen, besides commoners innumerable, sat down.—*Ed.*

It was the same motive which dictated the thanks of the city to Lord Chatham; which were expressed to be given for his declaration in favour of *short parliaments*, in order thereby to fix Lord Chatham, at least, to that one constitutional remedy, without which all others can afford no security. The embarrassment, no doubt, was cruel. He had his choice, either to offend the Rockingham party, who declared formally against short parliaments, and with the assistance of whose numbers in both Houses he must expect again to be minister, or to give up the confidence of the public, from whom, finally, all real consequence must proceed. Lord Chatham chose the latter; and I will venture to say, that, by his answer to those thanks, he has given up the people without gaining the friendship or cordial assistance of the Rockingham faction, whose little politics are confined to the making of matches, and extending their family connexions; and who think they gain more by procuring one additional vote to their party in the House of Commons, than by adding to their languid property, and feeble character, the abilities of a Chatham, or the confidence of the public.*

Whatever may be the event of the present wretched state of politics in this country, the principles of Junius will suit no form of government. They are not to be tolerated under any constitution. Personal enmity is a motive fit only for the devil. Whoever, or whatever, is sovereign, demands the respect and support of the people. The union is formed for their happiness, which cannot be had

* This passage is incorrectly printed in the common editions. In Woodfall's edition the passage runs thus: "— than by adding *to* their languid property, and feeble character, *to* the abilities," &c. In one of the small London editions, which is also before us, it reads thus: "— than by adding their languid property, and feeble character, *to* the abilities," &c. But the reader will perceive that the construction adopted in this edition is the only correct one.—*Ed.*

without mutual respect; and he counsels maliciously who would persuade either to a wanton breach of it. When it is banished by either party, and when every method has been tried in vain to restore it, there is no remedy but a divorce; but even then he must have a hard and a wicked heart indeed, who punishes the greatest criminal merely for the sake of the punishment; and who does not let fall a tear for every drop of blood that is shed in a public struggle, however just the quarrel.

JOHN HORNE.

LETTER LIV.*

To the Printer of the Public Advertiser.

SIR,

August 15, 1771.

I OUGHT to make an apology to the Duke of Grafton, for suffering any part of my attention to be diverted from his grace to Mr Horne. I am not justified by the similarity of their dispositions. Private vices, however detestable, have not dignity

* The preceding letter of Mr Horne made a great impression on the public. Of this Junius was aware; and we may therefore believe, that, in the composition of the letter which is now before us, he put forth all the strength of which he was possessed at the time. But without asserting that the style of Horne is characterized by the same depth and purity of colouring which belong to Junius, or even that his sarcastic talent has the same raciness and richness which distinguished that of his rival, we may maintain, that Junius now felt himself opposed to an antagonist, who would not easily be displaced,—who had the advantage in respect of the facts that gave occasion to their struggle,—and who, if he did not uniformly write in the same sustained and powerful strain with his rival, yet occasionally could produce passages which made perhaps a deeper impression, from the prominent and unencumbered situation in which they stood.—*Ed.*

sufficient to attract the censure of the press, unless they are united with the power of doing some signal mischief to the community. Mr Horne's situation does not correspond with his intentions. In my opinion (which I know will be attributed to my usual vanity and presumption), his letter to me does not deserve an answer. But I understand that the public are not satisfied with my silence; that an answer is expected from me; and that if I persist in refusing to plead, it will be taken for conviction. I should be inconsistent with the principles I profess, if I declined an appeal to the good sense of the people, or did not willingly submit myself to the judgment of my peers.

If any coarse expressions have escaped me, I am ready to agree that they are unfit for Junius to make use of; but I see no reason to admit that they have been improperly applied.

Mr Horne, it seems, is unable to comprehend how an extreme want of conduct and discretion can consist with the abilities I have allowed him; nor can he conceive that a very honest man, with a very good understanding, may be deceived by a knave. His knowledge of human nature must be limited indeed. Had he never mixed with the world, one would think that even his books might have taught him better.—Did he hear Lord Mansfield when he defended his doctrine concerning libels? Or when he stated the law in prosecutions for criminal conversation? Or when he delivered his reasons for calling the House of Lords together to receive a copy of his charge to the jury in Woodfall's trial? Had he been present upon any of these occasions, he would have seen how possible it is for a man of the first talents to confound himself in absurdities which would disgrace the lips of an idiot. Perhaps the example might have taught him not to value his own understanding so highly. Lord Lyttelton's integrity and judgment

are unquestionable; yet he is known to admire that cunning Scotchman, and verily believes him an honest man. I speak to facts, with which all of us are conversant. I speak to men, and to their experience; and will not descend to answer the little sneering sophistries of a collegian. Distinguished talents are not necessarily connected with discretion. If there be any thing remarkable in the character of Mr Horne, it is, that extreme want of judgment should be united with his moderate capacity.—Yet I have not forgotten the acknowledgment I made him; he owes it to my bounty: and though his letter has lowered him in my opinion, I scorn to retract the charitable donation.

I said it would be very difficult for Mr Horne to write directly in defence of a ministerial measure, and not be detected; and even that difficulty I confined to his particular situation. He changes the terms of the proposition, and supposes me to assert, that it would be impossible for any man to write for the newspapers, and not be discovered.

He repeatedly affirms, or intimates at least, that he knows the author of these Letters. With what colour of truth, then, can he pretend, *That I am nowhere to be encountered but in a newspaper?* I shall leave him to his suspicions. It is not necessary that I should confide in the honour or discretion of a man, who already seems to hate me with as much rancour as if I had formerly been his friend. But he asserts, that he has traced me through a variety of signatures. To make the discovery of any importance to his purpose, he should have proved, either that the fictitious character of Junius has not been consistently supported, or that the author has maintained different principles under different signatures. I cannot recall to my memory the numberless trifles I have written; but I rely upon the consciousness of my own integrity,

and defy him to fix any colourable charge of inconsistency upon me.

I am not bound to assign the secret motives of his apparent hatred of Mr Wilkes : nor does it follow that I may not judge fairly of his conduct, though it were true *that I had no conduct of my own*. Mr Horne enlarges with rapture upon the importance of his services ; the dreadful battles which he might have been engaged in, and the dangers he has escaped. In support of the formidable description he quotes verses without mercy. The gentleman deals in fiction,* and naturally appeals to the evidence of the poets. Taking him at his word, he cannot but admit the superiority of Mr Wilkes in this line of service. On one side, we see nothing but imaginary distress ; on the other, we see real prosecutions ; real penalties ; real imprisonment ; life repeatedly hazarded ; and, at one moment, almost the certainty of death. Thanks are undoubtedly due to every man who does his duty in the engagement, but it is the wounded soldier who deserves the reward.

I did not mean to deny that Mr Horne had been an active partisan. It would defeat my own purpose not to allow him a degree of merit which aggravates his guilt. The very charge of *contributing his utmost efforts to support a ministerial measure*, implies an acknowledgment of his former services. If he had not once been distinguished by his apparent zeal in defence of the common cause, he could not now be distinguished by deserting it. As for myself, it is no longer a question, *Whether I shall mix with the throng, and take a single share in the danger*. Whenever Junius appears, he must

* This is a favourite sarcasm with our author. Among other instances, the reader may recollect, that, in the 15th letter, he thus addresses the Duke of Grafton : " And even the venal muse, though happiest in fiction, will forget your virtues."—Ed.

encounter a host of enemies. But is there no honourable way to serve the public, without engaging in personal quarrels with insignificant individuals, or submitting to the drudgery of canvassing votes for an election? Is there no merit in dedicating my life to the information of my fellow-subjects? What public question have I declined? What villain have I spared? Is there no labour in the composition of these letters?—Mr Horne, I fear, is partial to me, and measures the facility of my writings by the fluency of his own.

He talks to us in high terms of the gallant feats he would have performed if he had lived in the last century. The unhappy Charles could hardly have escaped him. But living princes have a claim to his attachment and respect. Upon these terms, there is no danger in being a patriot. If he means any thing more than a pompous rhapsody, let us try how well his argument holds together. I presume he is not yet so much a courtier as to affirm, that the constitution has not been grossly and daringly violated under the present reign. He will not say that the laws have not been shamefully broken or perverted; that the rights of the subject have not been invaded; or that redress has not been repeatedly solicited and refused.—Grievances like these were the foundation of the rebellion in the last century; and, if I understand Mr Horne, they would, at that period, have justified him, to his own mind, in deliberately attacking the life of his sovereign. I shall not ask him, to what political constitution this doctrine can be reconciled; but, at least, it is incumbent upon him to show, that the present king has better excuses than Charles the First, for the errors of his government. He ought to demonstrate to us, that the constitution was better understood a hundred years ago than it is at present; that the legal rights of the subject, and the limits of the prerogative, were more accu-

rately defined, and more clearly comprehended. If propositions like these cannot be fairly maintained, I do not see how he can reconcile it to his conscience, not to act immediately with the same freedom with which he speaks. I reverence the character of Charles the First as little as Mr Horne ; but I will not insult his misfortunes by a comparison that would degrade him.

It is worth observing, by what gentle degrees the furious, persecuting zeal of Mr Horne has softened into moderation. Men and measures were yesterday his object. What pains did he once take to bring that great state criminal *M'Quirk* to execution ! To-day he confines himself to measures only ; no penal example is to be left to the successors of the Duke of Grafton. To-morrow, I presume, both men and measures will be forgiven. The flaming patriot, who so lately scorched us in the meridian, sinks temperately to the west, and is hardly felt as he descends.

I comprehend the policy of endeavouring to communicate to Mr Oliver and Mr Sawbridge a share in the reproaches with which he supposes me to have loaded him. My memory fails me, if I have mentioned their names with disrespect ; unless it be reproachful to acknowledge a sincere respect for the character of Mr Sawbridge, and not to have questioned the innocence of Mr Oliver's intentions.

It seems I am a partisan of the great leader of the opposition. If the charge had been a reproach, it should have been better supported. I did not intend to make a public declaration of the respect I bear Lord Chatham ; I well knew, that unworthy conclusions would be drawn from it. But I am called upon to deliver my opinion ; and surely it is not in the little censure of Mr Horne to deter me from doing signal justice to a man, who, I confess, has grown upon my esteem. As for the common sordid views of avarice, or any purpose of vulgar

ambition, I question whether the applause of Junius would be of service to Lord Chatham. My vote will hardly recommend him to an increase of his pension, or to a seat in the cabinet. But, if his ambition be upon a level with his understanding, if he judges of what is truly honourable for himself, with the same superior genius which animates and directs him to eloquence in debate, to wisdom in decision, even the pen of Junius shall contribute to reward him. Recorded honours shall gather round his monument, and thicken over him. It is a solid fabric, and will support the laurels that adorn it. I am not conversant in the language of panegyric. These praises are extorted from me ; but they will wear well, for they have been dearly earned.

My detestation of the Duke of Grafton is not founded upon his treachery to any individual ; though I am willing enough to suppose, that, in public affairs it would be impossible to desert or betray Lord Chatham, without doing an essential injury to this country. My abhorrence of the duke arises from an intimate knowledge of his character, and from a thorough conviction that his baseness has been the cause of greater mischief to England, than even the unfortunate ambition of Lord Bute.

The shortening the duration of parliaments is a subject on which Mr Horne cannot enlarge too warmly, nor will I question his sincerity. If I did not profess the same sentiments, I should be shamefully inconsistent with myself. It is unnecessary to bind Lord Chatham by the written formality of an engagement. He has publicly declared himself a convert to triennial parliaments ;* and though I

* Lord Chatham, during a long course of years, had maintained the impropriety of shortening the duration of parliaments ; but at last he publicly declared *himself a convert to the plan of triennial parliaments.*—*Ed.*

have long been convinced that this is the only possible resource we have left to preserve the substantial freedom of the constitution, I do not think we have a right to determine against the integrity of Lord Rockingham or his friends. Other measures may undoubtedly be supported in argument, as better adapted to the disorder, or more likely to be obtained.

Mr Horne is well assured, that I never was the champion of Mr Wilkes. But though I am not obliged to answer for the firmness of his future adherence to the principles he professes, I have no reason to presume that he will hereafter disgrace them. As for all those imaginary cases which Mr Horne so petulantly urges against me, I have one plain honest answer to make to him. Whenever Mr Wilkes shall be convicted of soliciting a pension, an embassy, or a government, he must depart from that situation, and renounce that character which he assumes at present, and which, in my opinion, entitles him to the support of the public. By the same act, and at the same moment, he will forfeit his power of mortifying the king; and though he can never be a favourite at St James's, his baseness may administer a solid satisfaction to the royal mind. The man I speak of, has not a heart to feel for the frailties of his fellow-creatures. It is their virtues that afflict, it is their vices that console him.*

I give every possible advantage to Mr Horne, when I take the facts he refers to for granted. That

* The reader must have remarked, that the allusions to the personal character of the king in this part of the Letters are of a far more malignant kind than those which occur in any preceding part; those other passages, indeed, might have passed as mere political squibs; but this, and some other similar passages which occur in the course of the dispute with Horne, seem to show, not only that Junius had completely misunderstood the king's character, but that he felt a rancorous malignity towards him.—*Ed.*

they are the produce of his invention, seems highly probable; that they are exaggerated, I have no doubt. At the worst, what do they amount to, but that Mr Wilkes, who never was thought of as a perfect pattern of morality, has not been at all times proof against the extremity of distress? How shameful is it in a man who has lived in friendship with him, to reproach him with failings too naturally connected with despair. Is no allowance to be made for banishment and ruin? Does a two years' imprisonment make no atonement for his crimes? The resentment of a priest is implacable: no sufferings can soften, no penitence can appease him. Yet he himself, I think, upon his own system, has a multitude of political offences to atone for. I will not insist upon the nauseous detail with which he so long disgusted the public: he seems to be ashamed of it. But what excuse will he make to the friends of the constitution, for labouring to promote *this consummately bad man* to a station of the highest national trust and importance? Upon what honourable motives did he recommend him to the livery of London for their representative; to the ward of Farringdon for their alderman; to the county of Middlesex for their knight? Will he affirm, that, at that time, he was ignorant of Mr Wilkes's solicitations to the ministry? That he should say so is, indeed, very necessary for his own justification; but where will he find credulity to believe him?

In what school this gentleman learned his ethics, I know not. His logic seems to have been studied under Mr Dyson.* That miserable pamphleteer, by dividing the only precedent in point, and taking

* The reader will recollect, that Mr Dyson was author of the pamphlet in which the resolution of the House of Commons, respecting the expulsion and incapacitation of Sir Robert Walpole, was designedly given in an imperfect form.—Ed.

as much of it as suited his purpose, had reduced his argument upon the Middlesex election to something like the shape of a syllogism. Mr Horne has conducted himself with the same ingenuity and candour. I had affirmed, that Mr Wilkes would preserve the public favour, 'as long as he stood forth against a ministry and parliament, who were doing every thing they could to enslave the country, and as long as he was a thorn in the king's side.' Yet, from the exulting triumph of Mr Horne's reply, one would think that I had rested my expectation, that Mr Wilkes would be supported by the public upon the single condition of his mortifying the king. This may be logic at Cambridge, or at the treasury; but, among men of sense and honour, it is folly or villany in the extreme.

I see the pitiful advantage he has taken of a single unguarded expression, in a letter not intended for the public. Yet it is only the *expression* that is unguarded. I adhere to the true meaning of that member of the sentence, taken separately as he takes it; and now, upon the coolest deliberation, re-assert, that, for the purposes I referred to, it may be highly meritorious to the public, to wound the personal feelings of the sovereign. It is not a general proposition, nor is it generally applied to the chief magistrate of this, or any other constitution. Mr Horne knows, as well as I do, that the best of princes is not displeased with the abuse which he sees thrown upon his ostensible ministers. It makes them, I presume, more properly the objects of his royal compassion. Neither does it escape his sagacity, that the lower they are degraded in the public esteem, the more submissively they must depend upon his favour for protection. This, I affirm, upon the most solemn conviction, and the most certain knowledge, is a leading maxim in the policy of the closet. It is unnecessary to pursue the argument any farther.

Mr Horne is now a very loyal subject. He laments the wretched state of politics in this country ; and sees, in a new light, the weakness and folly of the opposition. *Whoever, or whatever, is sovereign, demands the respect and support of the people :** it was not so *when Nero fiddled while Rome was burning.* Our gracious sovereign has had wonderful success in creating new attachments to *his person and family.* He owes it, I presume, to the regular system he has pursued in the mystery of conversion. He began with an experiment upon the Scotch, and concludes with converting Mr Horne. What a pity it is, that the Jews should be condemned by Providence to wait for a Messiah of their own !†

The priesthood are accused of misinterpreting the Scriptures. Mr Horne has improved upon his profession. He alters the text,‡ and creates a refutable doctrine of his own. Such artifices cannot long delude the understandings of the people ; and, without meaning an indecent comparison, I may venture to foretell, that the Bible and Junius will be read, when the commentaries of the Jesuits are forgotten.

JUNIUS.

LETTER LV.

To the Printer of the Public Advertiser.

SIR,

August 26, 1771.

THE enemies of the people having now nothing better to object to my friend Junius, are, at last,

* The very soliloquy of Lord Suffolk before he passed the Rubicon.

† Nothing could be more unworthy of Junius than the silliness of this sarcasm.—*Ed.*

‡ Alluding to his previous doctrine respecting the duty of opposing kings.—*Ed.*

obliged to quit his politics, and to rail at him for crimes he is not guilty of. His vanity and impiety are now the perpetual topics of their abuse. I do not mean to lessen the force of such charges, supposing they were true, but to show that they are not founded. If I admitted the premises, I should readily agree in all the consequences drawn from them. Vanity, indeed, is a venial error, for it usually carries its own punishment with it ; but if I thought Junius capable of uttering a disrespectful word of the religion of his country, I should be the first to renounce and give him up to public contempt and indignation. As a man, I am satisfied that he is a Christian, upon the most sincere conviction ; as a writer, he would be grossly inconsistent with his political principles, if he dared to attack a religion, established by those laws, which it seems to be the purpose of his life to defend. Now for the proofs. Junius is accused of an impious allusion to the holy sacrament, where he says, *That, if Lord Weymouth be denied the cup, there would be no keeping him within the pale of the ministry.* Now, sir, I affirm, that this passage refers entirely to a ceremonial in the Roman Catholic church, which denies the cup to the laity. It has no manner of relation to the protestant creed ; and is in this country as fair an object of ridicule as *transubstantiation*, or any other part of Lord Peter's History, in the Tale of a Tub.

But Junius is charged with equal vanity and impiety, in comparing his writings to the Holy Scripture. The formal protest he makes against any such comparison avails him nothing. It becomes necessary then to show that the charge destroys itself. If he be vain, he cannot be impious.

A vain man does not usually compare himself to an object which it is his design to undervalue. On the other hand, if he be impious, he cannot be vain ; for his impiety, if any, must consist in his

endeavouring to degrade the Holy Scriptures, by a comparison with his own contemptible writings. This would be folly, indeed, of the grossest nature ; but where lies the vanity ? I shall now be told, ‘ Sir, what you say is plausible enough ; but still you must allow, that it is shamefully impudent in Junius to tell us that his works will live as long as the Bible.’ My answer is, *Agreed ; but first prove that he has said so.* Look at his words, and you will find that the utmost he expects is, that the Bible and Junius will survive the commentaries of the Jesuits ; which may prove true in a fortnight. The most malignant sagacity cannot show that his works are, *in his opinion*, to live as long as the Bible. Suppose I were to foretell, that Jack and Tom would survive Harry, does it follow that Jack must live as long as Tom ? I would only illustrate my meaning, and protest against the least idea of profaneness.

Yet this is the way in which Junius is usually answered, arraigned, and convicted. These candid critics never remember any thing he says in honour of our holy religion ; though it is true, that one of his leading arguments is made to rest *upon the internal evidence, which the purest of all religions carries with it.* I quote his words ; and conclude from them, that he is a true and hearty Christian in substance, not in ceremony, though possibly he may not agree with my reverend lords the bishops, or with the head of the church, *that prayers are morality, or that kneeling is religion.*

PHILO JUNIUS.

LETTER LVI.

From the Reverend Mr Horne to Junius.

August 17, 1771.

I CONGRATULATE you, sir, on the recovery of your wonted style, though it has cost you a fortnight. I compassionate your labour in the composition of your Letters, and will communicate to you the secret of my fluency. Truth needs no ornament; and, in my opinion, what she borrows of the pencil is deformity.

You brought a positive charge against me of corruption. I denied the charge, and called for your proofs. You replied with abuse, and re-asserted your charge. I called again for proofs. You reply again with abuse only, and drop your accusation. In your fortnight's letter, there is not one word upon the subject of my corruption.

I have no more to say, but to return thanks to you for your condescension, and to a grateful public, and *honest* ministry, for all the favours they have conferred upon me. The two latter, I am sure, will never refuse me any grace I shall solicit: and since you have been pleased to acknowledge, that you told a deliberate lie in my favour, out of bounty, and as a charitable donation, why may I not expect that you will hereafter (if you do not forget you ever mentioned my name with disrespect,) make the same acknowledgment for what you have said to my prejudice? This second recantation will, perhaps, be more abhorrent from your disposition; but should you decline it, you will only afford one more instance, how much easier it is to be generous than just, and that men are sometimes bountiful who are not honest.

At all events, I am as well satisfied with panegyric as Lord Chatham can be. Monument I shall have none; but over my grave it will be said, in your own words, '*Horne's situation did not correspond with his intentions.*'* JOHN HORNE.

LETTER LVII.†

To his Grace the Duke of Grafton.

MY LORD,

September 28, 1771.

THE people of England are not apprised of the full extent of their obligations to you. They have yet no adequate idea of the endless variety of your character. They have seen you distinguished and

* The epitaph would not be ill suited to the character; at the best it is but equivocal.

† The facts upon which this letter is founded are not correctly stated by Junius. There is reason to believe, that in his antipathy to the Duke of Grafton, he was sometimes too hasty in assenting to statements injurious to his grace; and indeed, even the friends of the author have disavowed his pretensions to accuracy in the present instance.

According to Junius, it having been ascertained that there was an extraordinary want of timber for repairing the navy, the surveyor-general was ordered to make a survey of all the royal chases and forests in England. Having accordingly reported, that the best timber was to be found in Whittlebury Forest, of which the Duke of Grafton was hereditary ranger, the usual warrant was made out at the treasury and delivered to the surveyor, by which he, or his deputy, were authorised to cut down any trees that might seem best adapted for the purpose above-mentioned. But the Duke of Grafton, proceeding, according to our author, upon an idea that the timber was not the king's, but the ranger's, put a stop to the cutting, and turned off and ruined the man who had thus presumed to obtrude upon his property. The oaks therefore were to stand,—the king to be defrauded,—and the navy of England to perish for want of the best timber in the island.

Such was the case, according to Junius; but it seems the facts were as follows: The survey had taken place, as in the preceding statement, and no objections had been made at the treasury. Upon this the surveyor-general, apparently from an eager desire to obtain the perquisites brought to him

successful in the continued violation of those moral and political duties, by which the little as well as the great societies of life are connected and held together. Every colour, every character became you. With a rate of abilities which Lord Weymouth very justly looks down upon with contempt, you have done as much mischief to the community as Cromwell would have done, if Cromwell had been a coward; and as much as Machiavel, if Machiavel had not known that an appearance of morals and religion are useful in society. To a thinking man, the influence of the crown will, in no view, appear so formidable, as when he observes to what enormous excesses it has safely conducted your grace, without a ray of real understanding, without even the pretensions to common decency or principle of any kind, or a single spark of personal resolution. What must be the operation of that pernicious influence (for which our kings have wisely exchanged the nugatory name of prerogative) that in the highest stations can so abundantly supply the absence of

by the lop and chips, instantly despatched a person to hack and hew without the least previous intimation having been given to the hereditary ranger, deputy-ranger, or to the king's wood-ward. By this proceeding the wood was to be cut down at a time when the bark, which was of much value, would have been of no use. Those who lived in the neighbourhood would have been deprived of their right of commonage, and the duke of his hereditary right to the underwood; and the young trees, not being sufficiently cleared and taken care of, would have suffered a most material injury, and in that way the succession of trees would have been destroyed. For all these reasons the duke interposed a candid representation of the case, by which a stop was put for a time to such improper proceedings. But so far was his grace from claiming any right to dispose of the oaks, that he on no occasion had allowed a single tree to be cut down without having obtained a regular order from the treasury. It was not true, therefore, that the duke had claimed the property of the oaks,—and equally false, that he deprived the navy of England of the timber. The duke only exercised his right, as ranger, to interpose his remonstrance against the improper cutting of the wood; but in due time the oaks were to fall, and neither the king was to be defrauded, nor the navy ruined, by any unjust claim on the part of his grace.—*Ed.*

virtue, courage, and abilities, and qualify a man to be the minister of a great nation, whom a private gentleman would be ashamed and afraid to admit into his family ! Like the universal passport of an ambassador, it supersedes the prohibition of the laws, banishes the staple virtues of the country, and introduces vice and folly triumphantly into all the departments of the state. Other princes, besides his majesty, have had the means of corruption within their reach, but they have used it with moderation. In former times, corruption was considered as a foreign auxiliary to government, and only called in upon extraordinary emergencies. The unfeigned piety, the sanctified religion of *George the Third*, have taught him to new model the civil forces of the state. The natural resources of the crown are no longer confided in. Corruption glitters in the van, collects and maintains a standing army of mercenaries, and, at the same moment, impoverishes and enslaves the country. His majesty's predecessors (excepting the worthy family from which you, my lord, are unquestionably descended) had some generous qualities in their composition, with vices, I confess, or frailties, in abundance. They were kings or gentlemen, not hypocrites or priests. They were at the head of the church, but did not know the value of their office. They said their prayers without ceremony, and had too little priestcraft in their understanding to reconcile the sanctimonious forms of religion with the utter destruction of the morality of their people. My lord, this is fact, not declamation. With all your partiality to the House of Stuart, you must confess that even Charles the Second would have blushed at that open encouragement, at those eager, meretricious caresses, with which every species of private vice and public prostitution is received at St James's. The unfortunate house of Stuart has been treated with an asperity which, if comparison be a defence, seems to border upon injustice. Neither Charles

nor his brother were qualified to support such a system of measures as would be necessary to change the government and subvert the constitution of England. One of them was too much in earnest in his pleasures, the other in his religion. But the danger to this country would cease to be problematical, if the crown should ever descend to a prince, whose apparent simplicity might throw his subjects off their guard, who might be no libertine in behaviour, who should have no sense of honour to restrain him, and who, with just religion enough to impose upon the multitude, might have no scruples of conscience to interfere with his morality. With these honourable qualifications, and the decisive advantage of situation, low craft and falsehood are all the abilities that are wanting to destroy the wisdom of ages, and to deface the noblest monument that human policy has erected.—I know such a man: my lord, I know you both; and, with the blessing of God (for I, too, am religious) the people of England shall know you as well as I do. I am not very sure that greater abilities would not, in effect, be an impediment to a design which seems, at first sight, to require a superior capacity. A better understanding might make him sensible of the wonderful beauty of that system he was endeavouring to corrupt: the danger of the attempt might alarm him: the meanness and intrinsic worthlessness of the object (supposing he could attain it) would fill him with shame, repentance, and disgust. But these are sensations which find no entrance into a barbarous, contracted heart. In some men there is a malignant passion to destroy the works of genius, literature, and freedom. The Vandal and the monk find equal gratification in it.

Reflections like these, my lord, have a general relation to your grace, and inseparably attend you, in whatever company or situation your character occurs to us. They have no immediate connexion with the following recent fact, which I lay before

the public, for the honour of the best of sovereigns, and for the edification of his people. A prince, (whose piety and self-denial, one would think, might secure him from such a multitude of worldly necessities), with an annual revenue of near a million sterling, unfortunately *wants money*. The navy of England, by an equally strange concurrence of unforeseen circumstances (though not quite so unfortunately for his majesty), is in equal want of timber. The world knows in what a hopeful condition you delivered the navy to your successor, and in what a condition we found it in the moment of distress.* You were determined it should continue in the situation in which you left it. It happened, however, very luckily for the privy purse, that one of the above wants promised fair to supply the other. Our religious, benevolent, generous sovereign has no objection to selling his own timber to his own admiralty, to repair his own ships, nor to putting the money into his own pocket. People of a religious turn naturally adhere to the principles of the church; whatever they acquire falls into *mortmain*. Upon a representation from the admiralty of the extraordinary want of timber for the indispensable repairs of the navy, the surveyor-general was directed to make a survey of the timber in all the royal chases and forests in England. Having obeyed his orders with accuracy and attention, he reported that the finest timber he had any where met with, and the properest, in every respect, for the purposes of the navy, was in Whittlebury Forest, of which your grace, I think, is hereditary ranger. In consequence of this report, the usual warrant was prepared at the treasury, and delivered to the surveyor, by which he, or his deputy, were autho-

* At the time when the dispute about the Falkland Islands rendered it not unlikely that a war with Spain might have taken place.—*Ed.*

rised to cut down any trees in Whittlebury Forest which should appear to be proper for the purpose above-mentioned. The deputy being informed that the warrant was signed, and delivered to his principal in London, crosses the country to Northamptonshire, and, with an officious zeal for the public service, begins to do his duty in the forest. Unfortunately for him, he had not the warrant in his pocket. The oversight was enormous; and you have punished him for it accordingly. You have insisted, that an active, useful officer, should be dismissed from his place. You have ruined an innocent man and his family. In what language shall I address so black, so cowardly a tyrant? Thou worse than *one* of the Brunswicks, and all the Stuarts! To them who know Lord North, it is unnecessary to say that he was mean and base enough to submit to you. This, however, is but a small part of the fact. After ruining the surveyor's deputy, for acting without the warrant, you attacked the warrant itself. You declared that it was illegal: and swore, in a fit of foaming, frantic passion, that it never should be executed. You asserted, upon your honour, that, in the grant of the rangership of Whittlebury Forest, made by Charles the Second (whom, with a modesty that would do honour to Mr Rigby, you are pleased to call your ancestor) to one of his bastards (from whom I make no doubt of your descent), the property of the timber is vested in the ranger. I have examined the original grant; and now, in the face of the public, contradict you directly upon the fact. The very reverse of what you have asserted upon your honour is the truth. The grant, *expressly, and by a particular clause*, reserves the property of the timber for the *use of the crown*. In spite of this evidence, in defiance of the representations of the admiralty, in perfect mockery of the notorious distresses of the English navy, and those equally press-

ing and almost equally notorious necessities of your pious sovereign, here the matter rests. The lords of the treasury recall their warrant; the deputy-surveyor is ruined for doing his duty; Mr John Pitt (whose name,* I suppose, is offensive to you), submits to be brow-beaten and insulted; the oaks keep their ground; the king is defrauded; and the navy of England may perish for want of the best and finest timber in the island. And all this is submitted to, to appease the Duke of Grafton! to gratify the man who has involved the king and his kingdom in confusion and distress; and who, like a treacherous coward, deserted his sovereign in the midst of it!

There has been a strange alteration in your doctrine, since you thought it advisable to rob the Duke of Portland of his property, in order to strengthen the interest of Lord Bute's son-in-law before the last general election. *Nullum tempus occurrit regi* was then your boasted motto, and the cry of all your hungry partisans. Now it seems a grant of Charles the Second to one of his bastards is to be held sacred and inviolable! It must not be questioned by the king's servants, nor submitted to any interpretation but your own. My lord, this was not the language you held, when it suited you to insult the memory of the glorious deliverer of England from that detested family, to which you are still more nearly allied in principle than in blood. In the name of decency and common sense, what are your grace's merits, either with king or ministry, that should entitle you to assume this domineering authority over both? Is it the fortunate consanguinity you claim with the house of Stuart? Is it the secret correspondence you have so many years carried on with Lord Bute, by the assiduous assistance

* Junius had frequently accused the duke of having betrayed Lord Chatham.—*Ed.*

of your *cream-coloured parasite*? Could not your gallantry find sufficient employment for him, in those *gentle* offices by which he first acquired the tender friendship of Lord Barrington? Or is it only that wonderful sympathy of manners which subsists between your grace and one of your superiors, and does so much honour to you both? Is the union of *Blifl* and *Black George* no longer a *romance*? From whatever origin your influence in this country arises, it is a phenomenon in the history of human virtue and understanding. Good men can hardly believe the fact; wise men are unable to account for it. Religious men find exercise for their faith, and make it the last effort of their piety not to repine against Providence.

JUNIUS.

 LETTER LVIII.

*Addressed to the Livery of London.**

GENTLEMEN, September 30, 1771.

IF you alone were concerned in the event of the present election of a chief magistrate of the metropolis, it would be the highest presumption in a stranger to attempt to influence your choice, or even to offer you his opinion. But the situation of public affairs has annexed an extraordinary importance to your resolutions. You cannot, in the choice of your magistrate, determine for yourselves only.

* The object of this letter "to the Livery of London" was to induce that body to transfer their votes from Mr Nash, who was entitled by rotation to be elected lord mayor, but who was known to be attached to the ministry, to Mr Crosby or Mr Sawbridge, who were equally devoted to the whig interest; but the letter of Junius did not produce its intended effect, for Mr Nash was elected.—*Ed.*

You are going to determine upon a point, in which every member of the community is interested. I will not scruple to say, that the very being of that law, of that right, of that constitution, for which we have been so long contending, is now at stake. They who would ensnare your judgment tell you, it is a common ordinary case, and to be decided by ordinary precedent and practice. They artfully conclude, from moderate peaceable times, to times which are not moderate, and which ought not to be peaceable. While they solicit your favour, they insist upon a rule of rotation, which excludes all idea of election.

Let me be honoured with a few minutes of your attention. The question, to those who mean* fairly to the liberty of the people (which we all profess to have in view), lies within a very narrow compass. Do you mean to desert that just and honourable system of measures which you have hitherto pursued, in hopes of obtaining from parliament, or from the crown, a full redress of past grievances, and a security for the future? Do you think the cause desperate, and will you declare that you think so to the whole people of England? If this be your meaning and opinion, you will act consistently with it in choosing Mr Nash. I profess to be unacquainted with his private character; but he has acted as a magistrate, as a public man. As such I speak of him. I see his name in a protest against one of your remonstrances to the crown. He has done every thing in his power to destroy the freedom of popular elections in the city, by publishing the poll upon a former occasion; and I know, in general, that he has distinguished himself, by slighting and thwarting all those public measures which you have engaged in with the greatest warmth, and hitherto

* This phraseology has been already noticed as peculiar to Junius.—*Ed.*

thought most worthy of your approbation. From his past conduct, what conclusion will you draw but that he will act the same part as lord mayor, which he has invariably acted as alderman and sheriff? He cannot alter his conduct without confessing, that he never acted upon principle of any kind. I should be sorry to injure the character of a man, who, perhaps, may be honest in his intention, by supposing it possible that he can ever concur with you in any political measure or opinion.

If, on the other hand, you mean to persevere in those resolutions for the public good, which, though not always successful, are always honourable, your choice will naturally incline to those men who (whatever they be in other respects) are most likely to co-operate with you in the great purpose, which you are determined not to relinquish. The question is not of what metal your instruments are made, but *whether they are adapted to the work you have in hand*. The honours of the city, in these times, are improperly, because exclusively, called a reward. You mean not merely to pay, but to employ. Are Mr Crosby and Mr Sawbridge likely to execute the extraordinary, as well as the ordinary, duties of lord mayor? Will they grant you common-halls when it shall be necessary? Will they go up with remonstrances to the king? Have they firmness enough to meet the fury of a venal House of Commons? Have they fortitude enough not to shrink at imprisonment? Have they spirit enough to hazard their lives and fortunes in a contest, if it should be necessary, with a prostituted legislature? If these questions can fairly be answered in the affirmative, your choice is made. Forgive this passionate language. I am unable to correct it. The subject comes home to us all. It is the language of my heart.

JUNIUS.

LETTER LIX.*

To the Printer of the Public Advertiser.

SIR,

October 5, 1771.

No man laments more sincerely than I do, the unhappy differences which have arisen among the friends of the people, and divided them from each other. The cause, undoubtedly, suffers as well by the diminution of that strength which union carries along with it, as by the separate loss of personal reputation, which every man sustains when his character and conduct are frequently held forth in odious or contemptible colours. These differences are only advantageous to the common enemy of the country. The hearty friends of the cause are provoked and disgusted. The lukewarm advocate avails himself of any pretence, to relapse into that indolent indifference about every thing that ought to interest an Englishman, so unjustly dignified with

* The enthusiasm with which the first letters of Junius were received seems to have produced a belief in the author, that he was capable of doing something much more to the purpose than merely commanding the admiration and applause of his contemporaries. He seems by degrees, to have imbibed the opinion, that he was destined to produce a complete change in the system of government, which had characterized the first years of his majesty's reign. He found also, by degrees, that this expectation was not likely to be realized, and he accordingly wrote this letter, if not with any hope of accomplishing his object, at least that it might serve as a concluding remonstrance, and be a suitable termination to the series of his labours. It is commonly called his conciliatory letter; and its object is to convince the nation, that those who had the same general views ought not to reject the co-operation of each other, because they might happen to differ in some particular points. It is one of the most correctly written of all his letters, and the tone which pervades it is moderate and plausible.—*Ed.*

the title of moderation. The false, insidious partisan, who creates or foment the disorder, sees the fruit of his honest industry ripen beyond his hopes, and rejoices in the promise of a banquet, only delicious to such an appetite as his own. It is time for those who really mean the *Cause* and the *People*,* who have no view to private advantage, and who have virtue enough to prefer the general good of the community to the gratification of personal animosities; it is time for such men to interpose. Let us try whether these fatal dissensions may not be reconciled; or, if that be impracticable, let us guard at least against the worst effects of division, and endeavour to persuade these furious partisans, if they will not consent to draw together, to be separately useful to that cause which they all pretend to be attached to. Honour and honesty must not be renounced, although a thousand modes of right and wrong were to occupy the degrees of morality between Zeno and Epicurus. The fundamental principles of Christianity may still be preserved, though every zealous sectary adheres to his own exclusive doctrine, and pious ecclesiastics make it part of their religion to persecute one another. The civil constitution, too, that legal liberty, that general creed which every Englishman professes, may still be supported, though Wilkes and Horne, and Townshend and Sawbridge, should obstinately refuse to communicate; and even if the fathers of the church, if Savile, Richmond, Camden, Rockingham, and Chatham, should disagree in the ceremonies of their political worship, and even in the interpretation of twenty texts in Magna Charta. I speak to the people, as one of the people. Let us employ these men in whatever departments their various abilities are best suited to, and as much to

* This form of expression has been repeatedly noticed as peculiar to Junius.—*Ed.*

the advantage of the common cause as their different inclinations will permit. They cannot serve us, without essentially serving themselves.

If Mr Nash be elected, he will hardly venture, after so recent a mark of the personal esteem of his fellow-citizens, to declare himself immediately a courtier. The spirit and activity of the sheriffs will, I hope, be sufficient to counteract any sinister intentions of the lord mayor. In collision with their virtue, perhaps, he may take fire.*

It is not necessary to exact from Mr Wilkes the virtues of a stoic. They were inconsistent with themselves, who, almost at the same moment, represented him as the basest of mankind, yet seemed to expect from him such instances of fortitude and self-denial as would do honour to an apostle. It is not, however, flattery to say, that he is obstinate, intrepid, and fertile in expedients. That he has no possible resource but in the public favour, is, in my judgment, a considerable recommendation of him. I wish that every man who pretended to popularity were in the same predicament. I wish that a retreat to St James's were not so easy and open as patriots have found it. To Mr Wilkes there is no access. However he may be misled by passion or imprudence, I think he cannot be guilty of a deliberate treachery to the public. The favour of his country constitutes the shield which defends him against a thousand daggers. Desertion would disarm him.

I can more readily admire the liberal spirit and integrity, than the sound judgment, of any man who prefers a republican form of government, in this or any other empire of equal extent, to a monarchy so qualified and limited as ours. I am convinced, that neither is it in theory the wisest system

* This is one of our author's most correctly imagined and most expressive similes.—*Ed.*

of government, nor practicable in this country. Yet though I hope the English constitution will for ever preserve its original monarchical form, I would have the manners of the people purely and strictly republican. I do not mean the licentious spirit of anarchy and riot. I mean a general attachment to the commonweal, distinct from any partial attachment to persons or families; an implicit submission to the laws only; and an affection to the magistrate, proportioned to the integrity and wisdom with which he distributes justice to his people, and administers their affairs. The present habit of our political body appears to me the very reverse of what it ought to be. The form of the constitution leans rather more than enough to the popular branch; while, in effect, the manners of the people (of those at least who are likely to take a lead in the country) incline too generally to a dependence upon the crown. The real friends of arbitrary power combine the facts, and are not inconsistent with their principles, when they strenuously support the unwarrantable privileges assumed by the House of Commons. In these circumstances, it were much to be desired, that we had many such men as Mr Sawbridge* to represent us in parliament. I speak from common report and opinion only, when I impute to him a speculative predilection in favour of a republic. In the personal conduct and manners of the man I cannot be mistaken. He has shown himself possessed of that republican firmness which the times require: and by which an English gentleman may be as usefully and as honourably distinguished, as any citizen of ancient Rome, of Athens, or Lacedemon.

Mr Townshend† complains that the public grati-

* Mr Sawbridge, an alderman, whose attachment to the cause of the people is frequently noticed in the course of these Letters, was an active and zealous supporter of the whig views in parliament.—*Ed.*

† Mr Townshend, an alderman of London, likewise de-

tude has not been answerable to his deserts. It is not difficult to trace the artifices which have suggested to him a language so unworthy of his understanding. A great man commands the affections of the people: a prudent man does not complain when he has lost them. Yet they are far from being lost to Mr Townshend. He has treated our opinion a little too cavalierly. A young man is apt to rely too confidently upon himself, to be as attentive to his mistress as a polite and passionate lover ought to be. Perhaps he found her at first too easy a conquest. Yet I fancy she will be ready to receive him whenever he thinks proper to renew his addresses. With all his youth, his spirit, and his appearance, it would be indecent in the lady to solicit his return.

I have too much respect for the abilities of Mr Horne, to flatter myself that these gentlemen will ever be cordially re-united. It is not, however, unreasonable to expect, that each of them should act his separate part with honour and integrity to the public. As for differences of opinion upon speculative questions, if we wait until they are reconciled, the action of human affairs must be suspended for ever. But neither are we to look for perfection in any one man nor for agreement among many. When Lord Chatham affirms, that the authority of the British legislature is not supreme over the colonies in the same sense in which it is supreme over Great Britain ;* when Lord Camden supposes a necessity (which the king is to judge of), and, founded upon that necessity, attributes to the crown a legal power (not given by the act itself), to suspend

voted to the same interest; and who is sometimes commended by Junius for his spirit, and sometimes for his fury—*Ed.*

* Lord Chatham maintained, that with respect to America, the parent country had the right of legislative supremacy, but not the right of taxation.—*Ed.*

the operation of an act of the legislature;* I listen to them both with diffidence and respect, but without the smallest degree of conviction or assent. Yet I doubt not they delivered their real sentiments, nor ought they to be hastily condemned. I too have a claim to the candid interpretation of my country, when I acknowledge an involuntary, compulsive assent to one very unpopular opinion. I lament the unhappy necessity, whenever it arises, of providing for the safety of the state by a temporary invasion of the personal liberty of the subject.† Would to God it were practicable to reconcile these important objects, in every possible situation of public affairs! I regard the legal liberty of the meanest man in Britain as much as my own, and would defend it with the same zeal. I know we must stand or fall together. But I never can doubt, that the community has a right to command, as well as to purchase, the service of its members. I see that right founded originally upon a necessity which supercedes all argument. I see it established by usage immemorial, and admitted by more than a tacit assent of the legislature. I conclude there is no remedy, in the nature of things, for the grievance complained of; for, if there were, it must long since have been redressed. Though numberless opportunities have presented themselves, highly favourable to public liberty, no successful attempt has ever been made for the relief of the subject in this article. Yet it has been felt and complained of ever since England had a navy. The conditions which

* Lord Camden had on one occasion maintained, that if a case of necessity should occur, during a recess of parliament, the king might issue a proclamation for providing for that necessity, even contrary to the express provisions of an act of parliament.—*Ed.*

† The author first announces his opinion in this paragraph respecting the right of impressing seamen.—*Ed.*

constitute this right must be taken together; separately, they have little weight. It is not fair to argue, from any abuse in the execution, to the illegality of the power; much less is a conclusion to be drawn from the navy to the land service. A seaman can never be employed but against the enemies of his country. The only case in which the king can have a right to arm his subjects in general, is that of a foreign force being actually landed upon our coast. Whenever that case happens, no true Englishman will inquire whether the king's right to compel him to defend his country be the custom of England, or a grant of the legislature. With regard to the press for seamen, it does not follow that the symptoms may not be softened, although the distemper cannot be cured. Let bounties be increased as far as the public purse can support them. Still they have a limit; and when every reasonable expense is incurred, it will be found, in fact, that the spur of the press is wanted to give operation to the bounty.

Upon the whole, I never had a doubt about the strict right of pressing, until I heard that Lord Mansfield had applauded Lord Chatham for delivering something like this doctrine in the House of Lords. That consideration staggered me not a little. But, upon reflection, his conduct accounts naturally for itself. He knew the doctrine was unpopular, and was eager to fix it upon the man who is the first object of his fear and detestation. The cunning Scotchman never speaks truth without a fraudulent design. In council, he generally affects to take a moderate part. Besides his natural timidity, it makes part of his political plan, never to be known to recommend violent measures. When the guards are called forth to murder their fellow-subjects, it is not by the ostensible advice of Lord Mansfield. That odious office, his prudence tells him, is better left to such men as Gower and Weymouth,

as Barrington and Grafton. Lord Hillsborough wisely confines his firmness to the distant Americans. The designs of Mansfield are more subtle, more effectual, and secure. Who attacks the liberty of the press? * Lord Mansfield. Who invades the constitutional power of juries? † Lord Mansfield. What judge ever challenged a jurymen but Lord Mansfield? ‡ Who was that judge, who, to save the king's brother, affirmed that a man of the first rank and quality who obtains a verdict in a suit for criminal conversation, is entitled to no greater damages than the meanest mechanic? § Lord Mansfield. Who is it makes commissioners of the great seal? || Lord Mansfield. Who is it that forms a decree for those commissioners, deciding against Lord Chatham, and afterwards (finding himself opposed by the judges) declares, in parliament, that he never had a doubt that the law was in direct opposition to that decree? ¶ Lord Mansfield. Who is he that has made it the study and practice of his life to undermine and alter the whole system of jurisprudence in the court of

* By his doctrine respecting libels.—*Ed.*

† By attempting to confine them to a decision on the fact alone, and not on the criminal intention of the party.—*Ed.*

‡ *Vide* note 1. page 375. The name of the jurymen was Benson.—*Ed.*

§ In the case of Lord Grosvenor against the Duke of Cumberland.—*Ed.*

|| On the death of Chancellor Yorke, the great seal was put in commission, the commissioners being Sir Sydney Stafford Smythe, the Hon. Henry Bathurst, and Sir Richard Aston. At the same time, Lord Mansfield was made speaker of the upper house.—*Ed.*

¶ An estate was left to Lord Chatham by Sir William Pynsent. The heirs of Sir William having controverted this bequest, the cause was referred to the three commissioners mentioned in the preceding note. By this reference, the cause was given against Lord Chatham; but upon an appeal to the House of Lords, it was decided in his favour; and Junius intimates, that Lord Mansfield had formed the decision for the commissioners in the first reference, although he afterwards declared that he considered their decision to be contrary to law.—*Ed.*

King's Bench? Lord Mansfield. There never existed a man but himself who answered exactly to so complicated a description. Compared to these enormities, his original attachment to the Pretender (to whom his dearest brother was confidential secretary) is a virtue of the first magnitude. But the hour of impeachment will come, and neither he nor Grafton shall escape me—Now let them make a common cause against England and the house of Hanover. A Stuart and a Murray should sympathize with each other.

When I refer to signal instances of unpopular opinions, delivered and maintained by men who may well be supposed to have no view but the public good, I do not mean to renew the discussion of such opinions. I should be sorry to revive the dormant questions of *Stamp Act*, *Corn Bill*, or *Press Warrant*. I mean only to illustrate one useful proposition, which it is the intention of this paper to inculcate,—*That we should not generally reject the friendship or services of any man, because he differs from us in a particular opinion* This will not appear a superfluous caution, if we observe the ordinary conduct of mankind. In public affairs, there is the least chance of a perfect concurrence of sentiment or inclination; yet every man is able to contribute something to the common stock, and no man's contribution should be rejected. If individuals have no virtues, their vices may be of use to us. I care not with what principle the new-born patriot is animated, if the measures he supports are beneficial to the community. The nation is interested in his conduct. His motives are his own. The properties of a patriot are perishable in the individual; but there is a quick succession of subjects, and the breed is worth preserving. The spirit of the Americans may be an useful example to us. Our dogs and horses are only English upon English ground; but patriotism, it seems, may be improved

by transplanting. I will not reject a bill which tends to confine parliamentary privilege within reasonable bounds, though it should be stolen from the house of Cavendish, and introduced by Mr Onslow. The features of the infant are a proof of the descent, and vindicate the noble birth from the baseness of the adoption. I willingly accept of a sarcasm from Colonel Barré, or a simile from Mr Burke. Even the silent vote of Mr Calcraft is worth reckoning in a division. What though he riots in the plunder of the army, and has only determined to be a patriot when he could not be a peer ?* Let us profit by the assistance of such men while they are with us, and place them, if it be possible, in the post of danger, to prevent desertion. The wary Wedderburne, the pompous Suffolk, never threw away the scabbard, nor ever went upon a forlorn hope. They always treated the king's servants as men with whom, some time or other, they might possibly be in friendship. When a man, who stands forth for the public, has gone that length from which there is no practicable retreat, when he has given that kind of personal offence, which a pious monarch never pardons, I then begin to think him in earnest, and that he will never have occasion to solicit the forgiveness of his country. But instances of a determination so entire and unreserved are rarely met with. Let us take mankind as they are ; let us distribute the virtues and abilities of individuals according to the offices they affect ; and, when they quit the service, let us endeavour to supply their places with better men than we have lost. In this country there are always candidates enough for popular favour. The temple of fame is the shortest passage to riches and preferment.

* Calcraft had accumulated a great fortune as an army agent. He endeavoured to procure a peerage, but being disappointed, says Junius, he became a patriot.—*Ed.*

Above all things, let me guard my countrymen against the meanness and folly of accepting of a trifling or moderate compensation for extraordinary and essential injuries. Our enemies treat us as the cunning trader does the unskilful Indian; they magnify their generosity, when they give us baubles of little proportionate value for ivory and gold. The same House of Commons who robbed the constituent body of their right of free election;* who presume to make a law, under pretence of declaring it;† who paid our good king's debts, without once inquiring how they were incurred; who gave thanks for repeated murders committed at home, and for national infamy incurred abroad; who screened Lord Mansfield; who imprisoned the magistrates of the metropolis for asserting the subjects' right to the protection of the laws;‡ who erased a judicial record, and ordered all proceedings in a criminal suit to be suspended: this very House of Commons have graciously consented that their own members may be compelled to pay their debts, and that contested elections shall, for the future, be determined with some decent regard to the merits of the case. The event of the suit is of no consequence to the crown. While parliaments are septennial, the purchase of the sitting member, or of the petitioner, makes but the difference of a day.|| Concessions such as these are of little moment to the sum of

* By rejecting Wilkes.—*Ed.*

† By maintaining that expulsion of itself creates incapacitation.—*Ed.*

‡ For an explanation of this and the other allusions, vide note 1, page 391.—*Ed.*

|| Junius was a great supporter of triennial parliaments; and his meaning in this passage is, that in a contested election it matters little to the purity of the legislators, so long as parliaments are septennial, whether the sitting member, or the person who claims his seat, shall succeed,—because both the one and the other will be bought by government.—*Ed.*

things, unless it be to prove that the worst of men are sensible of the injuries they have done us, and perhaps to demonstrate to us the imminent danger of our situation. In the shipwreck of the state, trifles float, and are preserved; while every thing solid and valuable sinks to the bottom, and is lost for ever.*

JUNIUS.

LETTER LX.

To the Printer of the Public Advertiser.

SIR,

October 15, 1771.

I AM convinced that Junius is incapable of wilfully misrepresenting any man's opinion, and that his inclination leads him to treat Lord Camden with particular candour and respect. The doctrine attributed to him by Junius, as far as it goes, corresponds with that stated by your correspondent Scævola, who seems to make a distinction without a difference.† Lord Camden, it is agreed, did certainly

* The similes which occur throughout this letter are managed with peculiar care. We have already noticed one instance; the comparison of Mr Townshend to a presumptuous lover is also conducted with much spirit; and this concluding metaphor is equally valuable for its own propriety and for the importance of the remark it is meant to illustrate.—*Ed.*

† Scævola, in a letter published in the Advertiser, in answer to Junius, had maintained that Lord Camden made parliament, and not the king, judge of that necessity which would authorise the executive to suspend the operation of an act of parliament. Lord Camden's words, according to Scævola, were, "If the king should, in the recess of parliament, issue a proclamation, directing a step to be taken flat against a subsisting law, and, at the next meeting of parliament, the step should appear to *them* to have been necessary for the good of the state, *their* declaration of that necessity would operate as a retrospect, so as to make the act legal, *ab initio*."—*Ed.*

maintain, that, in the recess of parliament, the king (by which we all mean the *king in council*, or the executive power) might suspend the operation of an act of the legislature ; and he founded his doctrine upon a supposed necessity, of which the king, in the first instance, must be judge. The lords and commons cannot be judges of it in the first instance, for they do not exist. Thus far Junius.

But, says Scævola, Lord Camden made parliament, and not the king, judges of the necessity. That parliament may review the acts of ministers is unquestionable ; but there is a wide difference between saying, that the crown has a *legal* power, and that ministers may act *at their peril*. When we say that an act is illegal, we mean that it is forbidden by a joint resolution of the three estates. How a subsequent resolution of two of those branches can make it legal, *ab initio*, will require explanation. If it could, the consequences would be truly dreadful, especially in these times. There is no act of arbitrary power which the king might not attribute to necessity, and for which he would not be secure of obtaining the approbation of his prostituted lords and commons. If Lord Camden admits that the subsequent sanction of parliament was necessary to make the proclamation legal, why did he so obstinately oppose the bill, which was soon after brought in, for indemnifying all those persons who had acted under it ? If that bill had not been passed, I am ready to maintain, in direct contradiction to Lord Camden's doctrine (taken as Scævola states it), that a litigious exporter of corn, who had suffered in his property, in consequence of the proclamation, might have laid his action against the custom-house officers, and would infallibly have recovered damages. No jury could refuse them : and if I, who am by no means litigious, had been so injured, I would assuredly have instituted a suit in Westminster-hall, on purpose to try the question

of right. I would have done it upon a principle of defiance of the pretended power of either or both Houses to make declarations inconsistent with law ; and I have no doubt that, with an act of parliament on my side, I should have been too strong for them all. This is the way which an Englishman should speak and act, and not suffer dangerous precedents to be established, because the circumstances are favourable or palliating.

With regard to Lord Camden, the truth is, that he inadvertently overshot himself, as appears plainly by that unguarded mention of *a tyranny of forty days*, which I myself heard. Instead of asserting that the proclamation was *legal*, he should have said, ‘ My lords, I know the proclamation was *illegal* ; but I advised it, because it was indispensably necessary to save the kingdom from famine ; and I submit myself to the justice and mercy of my country.’

Such language as this would have been manly, rational, and consistent : not unfit for a lawyer, and every way worthy of a great man.

PHILO JUNIUS.

P. S.—If Scævola should think proper to write again upon this subject, I beg of him to give me a direct answer ; that is, a plain affirmative or negative, to the following questions : In the interval between the publishing such a proclamation (or order of council) as that in question, and its receiving the sanction of the two Houses, of what nature is it ? Is it *legal* or *illegal* ? or is it neither one nor the other ? I mean to be candid, and will point out to him the consequence of his answer either way. If it be legal, it wants no farther sanction : if it be illegal, the subject is not bound to obey it, consequently it is an useless, nugatory act, even as to its declared purpose. Before the meeting of parliament, the whole mischief which it means to prevent will have been completed.

LETTER LXI.

*To Zeno.**

SIR,

October 17, 1771.

THE sophistry of your letter in defence of Lord Mansfield is adapted to the character you defend. But Lord Mansfield is a man of *form*, and seldom in his behaviour transgresses the rules of decorum. I shall imitate his lordship's good manners, and leave you in the full possession of his principles. I will not call you liar, jesuit, or villain; but, with all the politeness imaginable, perhaps I may prove you so.

Like other fair pleaders in Lord Mansfield's school of justice, you answer Junius by misquoting his words, and misstating his propositions. If I am candid enough to admit that this is the very logic taught at St Omer's, you will readily allow that it is the constant practice in the court of King's Bench. Junius does not say that he never had a doubt about the strict right of pressing, *till he knew Lord Mansfield was of the same opinion*. His words are, *until he heard that Lord Mansfield had applauded Lord Chatham for maintaining that doctrine in the House of Lords*. It was not the accidental concurrence of Lord Mansfield's opinion, but the suspicious applause given by a cunning Scotchman to the man he detests, that raised and justified a doubt in the mind of Junius. The ques-

* Zeno had written and published a long letter, repelling every one of the charges brought by Junius against Lord Mansfield. The letter was spirited, but coarse; and the arguments of the writer were not of the most convincing kind. Zeno addressed his letter to Junius, *alias* Edmund, the Jesuit of St Omer's,—on the supposition that Edmund Burke was Junius.—*Ed.*

tion is not, whether Lord Mansfield be a man of learning and abilities (which Junius has never disputed); but whether or no he abuses and misapplies his talents.

Junius did not say that Lord Mansfield had advised the calling out of the guards. On the contrary, his plain meaning is, that he left that odious office to men less cunning than himself. Whether Lord Mansfield's doctrine concerning libels be or be not an attack upon the liberty of the press, is a question which the public in general are very well able to determine. I shall not enter into it at present. Nor do I think it necessary to say much to a man who had the daring confidence to say to a jury, 'Gentlemen, you are to bring in a verdict *guilty or not guilty*; but whether the defendant be guilty or innocent, is not matter for *your* consideration.' Clothe it in what language you will, this is the sum total of Lord Mansfield's doctrine. If not, let Zeno show us the difference.

But it seems, *the liberty of the press may be abused, and the abuse of a valuable privilege is the certain means to lose it.* The first I admit; but let the abuse be submitted to a jury; a sufficient, and, indeed, the only legal and constitutional check upon the license of the press. The second I flatly deny. In direct contradiction to Lord Mansfield, I affirm, that 'the abuse of a valuable privilege is *not* the certain means to lose it;' if it were, the English nation would have few privileges left; for where is the privilege that has not, at one time or other, been abused by individuals? But it is false in reason and equity, that particular abuses should produce a general forfeiture. Shall the community be deprived of the protection of the laws, because there are robbers and murderers? Shall the community be punished, because individuals have offended? Lord Mansfield says so, consistently enough with his principles; but I wonder to find him:

explicit. Yet for one concession, however extorted, I confess myself obliged to him. The liberty of the press is, after all, a valuable privilege. I agree with him most heartily, and will defend it against him.

You ask me, What juryman was challenged by Lord Mansfield? I tell you; his name was *Benson*. When his name was called, Lord Mansfield ordered the clerk to pass him by. As for his reasons, you may ask himself, for he assigned none: * but I can tell you what all men thought of it. This Benson had been refractory upon a former jury, and would not accept of the law as delivered by Lord Mansfield; but had the *impudence* to pretend to *think for himself*. But you, it seems, honest Zeno, know nothing of the matter. You never read Junius's letter to your patron: you never heard of the intended instructions from the city to impeach Lord Mansfield: you never heard by what dexterity of Mr Paterson † that measure was prevented. How wonderfully ill some people are informed!

Junius did never affirm, that the crime of seducing the wife of a mechanic or a peer is not the same, taken in a moral or religious view. What he affirmed, in contradiction to the levelling principle so lately adopted by Lord Mansfield, was, *that the damages should be proportioned to the rank and fortune of the parties*: and for this plain reason admitted by every other judge that ever sat in Westminster-hall), because what is a compensation or penalty to one man is none to another. The sophistical distinction you attempt to draw between the person *injured* and the person *injuring*, is Mansfield all over. If you can once establish the pro-

* It was before noticed, that this juryman was challenged with consent of the parties.—*Ed.*

† One of the common council, who had distinguished himself in favour of government.—*Ed.*

position, that the injured party is not entitled to receive large damages, it follows, pretty plainly, that the party injuring should not be compelled to pay them ; consequently the king's brother is effectually screened by Lord Mansfield's doctrine. Your reference to Nathan and David comes naturally in aid of your patron's professed system of jurisprudence. He is fond of introducing into the court of King's Bench any law that contradicts or excludes the common law of England, whether it be canon, civil, *jus gentium*, or Levitical. But, sir, the Bible is the code of our religious faith, not of our municipal jurisprudence : and though it was the pleasure of God to inflict a particular punishment upon David's crime (taken as a breach of his divine commands), and to send his prophet to denounce it, an English jury have nothing to do either with David or the prophet. They consider the crime only as it is a breach of order, an injury to an individual, and an offence to society ; and they judge of it by certain positive rules of law, or by the practice of their ancestors. Upon the whole, the man *after God's own heart* is much indebted to you for comparing him to the Duke of Cumberland. That his royal highness may be the man after Lord Mansfield's own heart, seems much more probable ; and you I think, Mr Zeno, might succeed tolerably well in the character of Nathan. The evil deity, the prophet, and the royal sinner, would be very proper company for one another.

You say, Lord Mansfield did not make the commissioners of the great seal, and that he only advise the king to appoint. I believe Junius meant no more ; and the distinction is hardly worth disputing.

You say he *did not* deliver an opinion upon Lord Chatham's appeal. I affirm that he did, direct in favour of the appeal. This is a point of fact to be determined by evidence only. But you assign

no reason for his supposed silence, nor for his desiring a conference with the judges the day before. Was not all Westminster-hall convinced that he did it with a view to puzzle them with some perplexing question, and in hopes of bringing some of them over to him? You say the commissioners were *very capable of framing a decree for themselves*. By the fact, it only appears, that they were capable of framing an *illegal* one; which, I apprehend, is not much to the credit either of their learning or integrity.

We are both agreed, that Lord Mansfield has incessantly laboured to introduce new modes of proceeding in the court where he presides; but you attribute it to an honest zeal in behalf of innocence, oppressed by quibble and chicane. I say, that he has introduced *new law* too, and removed the landmarks established by former decisions. I say, that his view is to change a court of common law into a court of equity, and to bring every thing within the *arbitrium* of a *prætorian* court. The public must determine between us. But now for his merits. First, then, the establishment of the judges in their places for life (which you tell us was advised by Lord Mansfield), was a concession merely to catch the people. It bore the appearance of a royal bounty, but had nothing real in it. The judges were already for life, excepting in the case of a demise: Your boasted bill only provides, that it shall not be in the power of the king's successor to remove them. At the best, therefore, it is only a legacy, not a gift, on the part of his present majesty, since, for himself, he gives up nothing. That he did oppose Lord Camden and Lord Northington upon the proclamation against the exportation of corn, is most true, and with great ability. With his talents, and taking the right side of so clear a question, it was impossible to speak ill. His motives are not so easily penetrated. They who are acquainted

with the state of politics at that period, will judge of them somewhat differently from Zeno. Of the popular bills, which you say he supported in the House of Lords, the most material is unquestionably that of Mr Grenville for deciding contested elections. But I should be glad to know upon what possible pretence any member of the Upper House could oppose such a bill, after it had passed the House of Commons? I do not pretend to know what share he had in promoting the other two bills; but I am ready to give him all the credit you desire. Still you will find, that a whole life of deliberate iniquity is ill atoned for by doing now and then a laudable action, upon a mixed or doubtful principle. If it be unworthy of him, thus ungratefully treated, to labour any longer for the public, in God's name let him retire. His brother's patron (whose health he once was anxious for) is dead; but the son of that unfortunate prince survives, and, I dare say, will be ready to receive him.

PHILO JUNIUS.

LETTER LXII.

*To an Advocate in the Cause of the People.**

SIR,

October 18, 1771.

YOU do not treat Junius fairly. You would not have condemned him so hastily if you had ever read Judge Foster's argument upon the legality of

* The person who signed himself "An Advocate in the Cause of the People," only controverted the opinion of Junius respecting press-warrants, and seems to have thought that this hardship might be prevented by keeping a body of seamen in constant pay, who might be employed, during peace, in the dock-yards, in the herring fishery, in the custom-house cutters, and in manning the guard-ships.—*Ed.*

pressing seamen. A man who has not read that argument is not qualified to speak accurately upon the subject. In answer to strong facts and fair reasoning, you produce nothing but a vague comparison between two things which have little or no resemblance to each other. *General warrants*, it is true, had been often issued; but they had never been regularly questioned or resisted until the case of Mr Wilkes. He brought them to trial; and the moment they were tried they were declared *illegal*. This is not the case of *press warrants*; they have been complained of, questioned, and resisted in a thousand instances; but still the legislature have never interposed, nor has there ever been a formal decision against them in any of the superior courts. On the contrary, they have been frequently recognised and admitted by parliament; and there are judicial opinions given in their favour by judges of the first character. Under the various circumstances stated by Junius, he has a right to conclude for himself, that there is no remedy. If you have a good one to propose, you may depend upon the assistance and applause of Junius. The magistrate who guards the liberty of the individual deserves to be commended. But let him remember, that it is also his duty to provide for, or at least not to hazard the safety of the community. If, in the case of a foreign war, and the expectation of an invasion, you would rather keep your fleet in harbour than man it by pressing seamen who refuse the bounty, I have done.

You talk of disbanding the army with wonderful ease and indifference. If a wiser man held such language, I should be apt to suspect his sincerity.

As for keeping up a much greater number of seamen in time of peace, it is not to be done: you will oppress the merchant, you will distress trade, and destroy the nursery of your seamen. He must be a miserable statesman who voluntarily, by the

same act, increases the public expense, and lessens the means of supporting it. PHILO JUNIUS.

LETTER LXIII.

October 22, 1771.

A FRIEND of Junius desires it may be observed (in answer to a *Barrister at Law*),

1mo. That the fact of Lord Mansfield's having ordered a juryman to be passed by (which poor Zeno never heard of) is now formally admitted. When Mr *Benson's* name was called, Lord Mansfield was observed to flush in the face (a signal of guilt not uncommon with him), and cried out, *Pass him by*. This I take to be something more than a peremptory challenge: it is an *unlawful command*, without any reason assigned. That the counsel did not resist, is true; but this might happen either from inadvertence, or a criminal complaisance to Lord Mansfield. You barristers are too apt to be civil to my lord chief justice, at the expense of your clients.

2do. Junius did never say, that Lord Mansfield had *destroyed* the liberty of the press. 'That his lordship has *laboured to destroy*, that his doctrine is an *attack* upon the liberty of the press, that it is an *invasion* of the rights of juries,' are the propositions maintained by Junius. His opponents never answer him in point; for they never meet him fairly upon his own ground.

3tio. Lord Mansfield's policy, in endeavouring to screen his unconstitutional doctrines behind an act of the legislature, is easily understood. Let every Englishman stand upon his guard: the right of juries to return a general verdict, in all cases whatsoever, is a part of our constitution. It stands

in no need of a bill either enacting or declaratory, to confirm it.

4to. With regard to the Grosvenor cause, it is pleasant to observe, that the doctrine attributed by Junius to Lord Mansfield is admitted by Zeno, and directly defended. The barrister has not the assurance to deny it flatly; but he evades the charge, and softens the doctrine, by such poor contemptible quibbles as cannot impose upon the meanest understanding.

5to. The quantity of business in the court of King's Bench proves nothing but the litigious spirit of the people, arising from the great increase of wealth and commerce. These, however, are now upon the decline, and will soon leave nothing but *law-suits* behind them. When Junius affirms, that Lord Mansfield has laboured to alter the system of jurisprudence in the court where his lordship presides, he speaks to those who are able to look a little farther than the vulgar. Besides, that the multitude are easily deceived by the imposing names of *equity* and *substantial justice*, it does not follow that a judge, who introduces into his court new modes of proceeding, and new principles of law, intends, in every instance, to decide unjustly. Why should he, where he has no interest? We say, that Lord Mansfield is a *bad man*, and a *worse judge*; but we do not say that he is a *mere devil*. Our adversaries would fain reduce us to the difficulty of proving too much. This artifice, however, shall not avail him. The truth of the matter is plainly this; when Lord Mansfield has succeeded in his scheme of changing a court of common law to a court of equity, he will have it in his power to do injustice *whenever he thinks proper*. This, though a wicked purpose, is neither absurd nor unattainable.

6to. The last paragraph, relative to Lord Chat-ham's cause, cannot be answered. It partly refers to facts of too secret a nature to be ascertained, and

partly is unintelligible. ‘ Upon one point the cause is decided against Lord Chatham: upon another point it is decided for him.’ Both the law and the language are well suited to a barrister! If I have any guess at this honest gentleman’s meaning, it is, That ‘ whereas the commissioners of the great seal saw the question in a point of view unfavourable to Lord Chatham, and decreed accordingly; Lord Mansfield, out of sheer love and kindness to Lord Chatham, took the pains to place it in a point of view more favourable to the *appellant*.’ *Credat Judæus Appella*. So curious an assertion would stagger the faith of Mr Sylva.

LETTER LXIV.

November 2, 1771.

WE are desired to make the following declaration, in behalf of Junius, upon three material points, on which his opinion has been mistaken, or misrepresented :

1^{mo}. Junius considers the right of taxing the colonies, by an act of the British legislature, as a *speculative* right merely, never to be *exerted* nor ever to be *renounced*. To his judgment it appears plain, “ That the general reasonings which were employed against that power, went directly to our whole legislative right; and that one part of it could not be yielded to such arguments, without a virtual surrender of all the rest.”

2^{do}. That, with regard to press-warrants, his argument should be taken in his own words, and answered strictly; that comparisons may sometimes illustrate, but prove nothing; and that, in this case, an appeal to the passions is unfair and unnecessary. Junius feels and acknowledges the evil in the most express terms, and will show himself ready to con-

cur in any rational plan that may provide for the liberty of the individual, without hazarding the safety of the community. At the same time he expects that the evil, such as it is, be not exaggerated or misrepresented. In general, it is not unjust, that, when the rich man contributes his wealth, the poor man should serve the state in person; otherwise, the latter contributes nothing to the defence of that law and constitution from which he demands safety and protection. But the question does not lie between the rich and the poor. The laws of England make no such distinctions. Neither is it true, that the poor man is torn from the care and support of a wife and family, helpless without him. The single question is, Whether the *seaman*,* in times of public danger, shall serve the merchant, or the state, in that profession to which he was bred, and by the exercise of which alone he can honestly support himself and his family? General arguments against the doctrine of necessity, and the dangerous use that may be made of it, are of no weight in this particular case. Necessity includes the idea of inevitable. Whenever it is so, it creates a law to which all positive laws, and all positive rights, must give way. In this sense, the levy of ship-money by the king's warrant was not necessary, because the business might have been as well or better done by parliament. If the doctrine maintained by Junius be confined within this limitation, it will go but a very little way in support of arbitrary power. That the king is to judge of the occasion, is no objection, unless we are told how it can possibly be otherwise. There are other instances, not less important in the exercise, not less dangerous in the abuse, in which the constitution relies entirely upon

* I confine myself strictly to *seamen*. If any others are pressed, it is a gross abuse, which the magistrate can and should correct.

the king's judgment. The executive power proclaims war and peace, binds the nation by treaties, orders general embargoes, and imposes quarantines; not to mention a multitude of prerogative writs, which, though liable to the greatest abuses, were never disputed.

3tio. It has been urged as a reproach to Junius, that he has not delivered an opinion upon the *game laws*, and particularly the late *dog act*. But Junius thinks he has much greater reason to complain, that he is never assisted by those who are able to assist him; and that almost the whole labour of the press is thrown upon a single hand, from which a discussion of every public question is unreasonably expected. He is not paid for his labour, and certainly has a right to choose his employment. As to the game laws, he never scrupled to declare his opinion, that they are a species of the *forest laws*; that they are oppressive to the subject; and that the spirit of them is incompatible with legal liberty: that the penalties imposed by these laws bear no proportion to the nature of the offence; that the mode of trial, and the degree and kind of evidence necessary to convict, not only deprive the subject of all the benefits of a trial by jury, but are in themselves too summary, and to the last degree arbitrary and oppressive: that, in particular, the late acts to prevent dog stealing, or killing game between sun and sun, are distinguished by their absurdity, extravagance, and pernicious tendency. If these terms are weak or ambiguous, in what language can Junius express himself? It is no excuse for Lord Mansfield to say, that he happened to be absent when these bills passed the House of Lords. It was his duty to be present. Such bills could never have passed the House of Commons without his knowledge. But we very well know by what rule he regulates his attendance. When that order was made in the House of Lords, in the case of Lord Pom-

fret,* at which every Englishman shudders, my honest Lord Mansfield found himself, *by mere accident*, in the court of King's Bench, otherwise he would have done wonders in defence of law and property! The pitiful evasion is adapted to the character. But Junius will never justify himself by the example of this bad man. The distinction between *doing wrong*, and *avoiding to do right*, belongs to Lord Mansfield. Junius disclaims it.

LETTER LXV.

To Lord Chief Justice Mansfield.†

November 2, 1771.

AT the intercession of three of your countrymen, you have bailed a man, who, I presume, is also a *Scotchman*, and whom the lord mayor of London had refused to bail. I do not mean to enter into

* This was a cause between Lord Pomfret and the parish in which he resided, respecting a piece of ground which each of the parties maintained to be their property.—*Ed.*

† As the facts upon which this letter proceeds are the foundation of the long argumentative letter which soon after followed, they ought to be correctly stated.—Eyre, it seems, was suspected of having occasionally stolen paper from a room at Guildhall. For the purpose of detecting him, some quires were marked. He was taken with three of the quires upon him, and when his lodgings were searched, eight more were found in a box. Eyre having been taken into custody, application to have him bailed was made by some of his friends, but as the prisoner was taken in the fact—as the stolen goods were found on him—and as he made no defence when taken before the magistrate, the application was resisted. He was afterwards bailed, however, by Lord Mansfield, himself in £300, and other three friends of the prisoner in £100 each. Eyre, after being bailed, made his escape; but he afterwards surrendered himself for trial, and having pleaded guilty, and thrown himself on the mercy of the court, he was sentenced to be transported. He is said to have been worth £30,000 at the time of committing the theft.—*Ed.*

an examination of the partial, sinister motives of your conduct ; but, confining myself strictly to the fact, I affirm that you have done that which by law you were not warranted to do. The thief was taken in the theft ; the stolen goods were found upon him, and he made no defence. In these circumstances (the truth of which you dare not deny, because it is of public notoriety) it could not stand indifferent whether he was guilty or not, much less could there be any presumption of his innocence ; and, in these circumstances, I affirm, in contradiction to you, Lord Chief Justice Mansfield, that, by the laws of England, he was *not bailable*. If ever Mr Eyre should be brought to trial, we shall hear what you have to say for yourself ; and I pledge myself, before God and my country, in proper time and place, to make good my charge against you.

JUNIUS.

LETTER LXVI.

To the Printer of the Public Advertiser.

November 9, 1771.

JUNIUS engages to make good his charge against *Lord Chief Justice Mansfield*, some time before the meeting of parliament, in order that the House of Commons may, if they think proper, make it one article in the impeachment of the said Lord Chief Justice.

LETTER LXVII.

*To his Grace the Duke of Grafton.**

November 27, 1771.

WHAT is the reason, my lord, that, when almost every man in the kingdom, without distinction of principles or party, exults in the ridiculous defeat of Sir James Lowther, when good and bad men unite in one common opinion of that baronet, and triumph in his distress, as if the event (without any reference to vice or virtue) were interesting to human nature, your grace alone should appear so miserably depressed and afflicted? In such universal joy, I know not where you will look for a complement of condolence, unless you appeal to the tender, sympathetic sorrows of Mr Bradshaw. That cream-coloured gentleman's tears, affecting as they are, carry consolation along with them. He never weeps, but, like an April shower, with a lambent ray of sunshine upon his countenance. From the feelings of honest men upon this joyful occasion, I do not mean to draw any conclusion to your grace. They naturally rejoice when they see a signal instance of tyranny resisted with success, of treachery exposed to the derision of the world, an infamous informer defeated, and an impudent robber dragged

* After so long an interval, the reader had probably no expectation of again meeting with the Duke of Grafton. But we learn from the private letters published in Woodfall's Junius, that a report had been conveyed even to the ears of the king, that Junius would not write again. Junius was determined to disappoint this hope; and the marriage of Mrs Horton to the Duke of Cumberland, and the defeat of Sir James Lowther, in his contest with the Duke of Portland, furnished inviting occasion for another attack on the Duke of Grafton.—*Ed.*

to the public gibbet. But in the other class of mankind, I own I expect to meet the Duke of Grafton. Men who had no regard for justice, nor any sense of honour, seem as heartily pleased with Sir James Lowther's well-deserved punishment, as if it did not constitute an example against themselves. The unhappy baronet has no friends, even among those who resemble him. You, my lord, are not reduced to so deplorable a state of dereliction; every villain in the kingdom is your friend; and, in compliment to such amity, I think you should suffer your dismal countenance to clear up. Besides, my lord, I am a little anxious for the consistency of your character. You violate your own rules of decorum, when you do not insult the man you have betrayed.

The divine justice of retribution seems now to have begun its progress. Deliberate treachery entails punishment upon the traitor: there is no possibility of escaping it, even in the highest rank to which the consent of society can exalt the meanest and worst of men. The forced, unnatural union of Luttrell and Middlesex was an omen of another unnatural union,* by which indefeasible infamy is attached to the house of Brunswick. If one of those acts was virtuous and honourable, the best of princes, I thank God, is happily rewarded for it by the other.—Your grace, it has been said, had some share in recommending Colonel Luttrell to the king; or was it only the gentle Bradshaw who made himself answerable for the good behaviour of his friend? An intimate connexion has long subsisted between him and the worthy Lord Irnham. It arose from a fortunate similarity of principles, cemented by the

* Mrs Horton, sister of Colonel Luttrell, and daughter of Lord Irnham, was one of the most celebrated beauties of her time, and was, about this time, married to the Duke of Cumberland, the king's brother.—*Ed.*

constant mediation of their common friend, Miss Davis.*

Yet I confess I should be sorry that the opprobrious infamy of this match should reach beyond the family. We have now a better reason than ever to pray for the long life of the best of princes, and the welfare of his royal *issue*. I will not mix any thing ominous with my prayers; but let parliament look to it. A Luttrell shall never succeed to the crown of England. If the hereditary virtues

* There is a certain family in this country on which nature seems to have entailed an hereditary baseness of disposition. As far as their history has been known, the son has regularly improved upon the vices of his father, and has taken care to transmit them pure and undiminished into the bosom of his successor. In the senate their abilities have confined them to those humble, sordid services in which the scavengers of the ministry are usually employed; but in the memoirs of private treachery they stand first and unrivalled. The following story will serve to illustrate the character of this respectable family, and to convince the world, that the present possessor has as clear a title to the infamy of his ancestors as he has to their estate. It deserves to be recorded, for the curiosity of the fact, and should be given to the public, as a warning to every honest member of society.

The present Lord Irnham, who is now in the decline of life, lately cultivated the acquaintance of a younger brother of a family with which he had lived in some degree of intimacy and friendship. The young man had long been the dupe of a most unhappy attachment to a common prostitute. His friends and relations foresaw the consequences of this connexion, and did every thing that depended upon them to save him from ruin. But he had a friend in Lord Irnham, whose advice rendered all their endeavours ineffectual. This hoary lecher, not contented with the enjoyment of his friend's mistress, was base enough to take advantage of the passions and folly of the young man, and persuaded him to marry her. He descended even to perform the office of father to the prostitute: he gave her to his friend, who was on the point of leaving the kingdom, and the next night lay with her himself.

Whether the depravity of the human heart can produce any thing more base and detestable than this fact, must be left undetermined until the son shall arrive at his father's age and experience.—*Author.*

Miss Davis was the name of the prostitute mentioned in the preceding note.—*Ed.*

of the family deserve a kingdom, Scotland will be a proper retreat for them.

The next is a most remarkable instance of the goodness of Providence. The just law of retaliation has at last overtaken the little contemptible tyrant of the north. To this son-in-law of your dearest friend, the Earl of Bute, you meant to transfer the Duke of Portland's property ; and you hastened the grant with an expedition unknown to the treasury, that he might have it time enough to give a decisive turn to the election for the county. The immediate consequence of this flagitious robbery was, that he lost the election which you meant to ensure him, and with such signal circumstances of scorn, reproach, and insult (to say nothing of the general exultation of all parties), as (excepting the king's brother-in-law, Colonel Luttrell, and old Simon, his father-in-law) hardly ever fell upon a gentleman in this country. In the event, he loses the very property of which he thought he had gotten possession, and after an expense which would have paid the value of the land in question twenty times over. The forms of villany, you see, are necessary to its success.—Hereafter you will act with greater circumspection, and not drive so directly to your object.—To *snatch a grace* beyond the reach of common treachery, is an exception, not a rule.

And now, my good lord, does not your conscious heart inform you, that the justice of retribution begins to operate, and that it may soon approach your person ? Do you think that Junius has renounced the Middlesex election ? or that the king's timber shall be refused to the royal navy with impunity ? or that you shall hear no more of the sale of that patent to Mr Hine, which you endeavour to screen by suddenly dropping your prosecution of Samuel Vaughan, when the rule against him was made absolute ? I believe, indeed, there never was such an

instance in all the history of negative impudence. But it shall not save you. The very sunshine you live in is a prelude to your dissolution. When you are ripe, you shall be plucked. JUNIUS.

P. S. I beg you will convey to your gracious master my humble congratulations upon the glorious success of peerages and pensions so lavishly distributed as the rewards of Irish virtue.

LETTER LXVIII.

To Lord Chief Justice Mansfield.

January 21, 1772.

I HAVE undertaken to prove, that when, at the intercession of three of your countrymen, you bailed *John Eyre*, you did that *which by law you were not warranted to do*; and that a felon, under the circumstances of *being taken in the fact, with the stolen goods upon him, and making no defence, is not bailable by the laws of England*. Your learned advocates have interpreted this charge into a denial that the court of King's Bench, or the judges of that court, during the vacation, have any greater authority to bail for criminal offences than a justice of peace. With the instance before me, I am supposed to question your power of doing wrong, and to deny the existence of a power, at the same moment that I arraign the illegal exercise of it. But the opinions of such men, whether wilful in their malignity, or sincere in their ignorance, are unworthy of my notice. You, Lord Mansfield, did not understand me so; and I promise you, your cause requires an abler defence. I am now to make

good my charge against you. However dull my argument, the subject of it is interesting. I shall be honoured with the attention of the public, and have a right to demand the attention of the legislature. Supported, as I am, by the whole body of the criminal law of England, I have no doubt of establishing my charge. If, on your part, you shall have no plain substantial defence, but should endeavour to shelter yourself under the quirk and evasion of a practising lawyer, or under the mere insulting assertion of power, without right, the reputation you pretend to is gone for ever: you stand degraded from the respect and authority of your office, and are no longer, *de jure*, lord chief justice of England.

This letter, my lord, is addressed not so much to you as to the public. Learned as you are, and quick in apprehension, few arguments are necessary to satisfy you that you have done that which by law you were not warranted to do. Your conscience already tells you that you have sinned against knowledge; and that, whatever defence you make, contradicts your own internal conviction. But other men are willing enough to take the law upon trust. They rely upon your authority, because they are too indolent to search for information; or, conceiving that there is some mystery in the laws of their country, which lawyers only are qualified to explain, they distrust their judgment, and voluntarily renounce the right of thinking for themselves. With all the evidence of history before them, from *Tresillian* to *Jefferies*, from *Jefferies* to *Mansfield*, they will not believe it possible that a learned judge can act in direct contradiction to those laws which he is supposed to have made the study of his life, and which he has sworn to administer faithfully. Superstition is certainly not the characteristic of this age; yet some men are bigotted in politics, who are infidels in religion. I do not despair of making them ashamed of their credulity.

The charge I brought against you is expressed in terms guarded and well considered. They do not deny the strict power of the judges of the court of King's Bench to bail in cases not bailable by a justice of peace, nor replevisable by the common writ, or *ex officio*, by the sheriff. I well know the practice of the court, and by what legal rules it ought to be directed. But, far from meaning to soften or diminish the force of those terms I have made use of, I now go beyond them, and affirm,

I. That the superior power of bailing for felony, claimed by the court of King's Bench, is founded upon the opinion of lawyers, and the practice of the court; that the assent of the legislature to this power is merely negative, and that it is not supported by any positive provision in any statute whatsoever. If it be, produce the statute.

II. Admitting that the judges of the court of King's Bench are vested with a discretionary power to examine and judge of circumstances and allegations which a justice of peace is not permitted to consider, I affirm that the judges, in the use and application of that discretionary power, are as strictly bound by the spirit, intent, and meaning, as the justice of peace is by the words of the legislature. Favourable circumstances, alleged before the judge, may justify a doubt whether the prisoner be guilty or not; and where the guilt is doubtful, a presumption of innocence should in general be admitted. But, when any such probable circumstances are alleged, they alter the state and condition of the prisoner. He is no longer that *all-but-convicted* felon, whom the law intends, and who by law is not *bailable at all*. If no circumstances whatsoever are alleged in his favour; if no allegation whatsoever be made to lessen the force of that evidence which the law annexes to a positive charge of felony, and particularly to the fact of *being taken with the manner*; I then say, that the lord chief justice of England has no

more right to bail him than a justice of peace. The discretion of an English judge is not of mere will and pleasure; it is not arbitrary; it is not capricious; but, as that great lawyer (whose authority I wish you respected half as much as I do) truly says, 'Discretion, taken as it ought to be, is, *discernere per legem quid sit justum*. If it be not directed by the right line of the law, it is a crooked cord, and appeareth to be unlawful.' If discretion were arbitrary in the judge, he might introduce whatever novelties he thought proper. 'But,' says Lord Coke, 'Novelties without warrant of precedents, are not to be allowed: some certain rules are to be followed: *Quicquid judicis auctoritati subjicitur, novitati non subjicitur*:' and this sound doctrine is applied to the Star Chamber, a court confessedly arbitrary. If you will abide by the authority of this great man, you shall have all the advantage of his opinion, wherever it appears to favour you. Excepting the plain, express meaning of the legislature, to which all private opinions must give way, I desire no better judge between us than Lord Coke.

III. I affirm that, according to the obvious, indisputable meaning of the legislature, repeatedly expressed, a person positively charged with *feloniously stealing*, and taken in *flagrante delicto*, with the stolen goods upon him, is *not bailable*. The law considers him as differing in nothing from a *convict*, but in the form of conviction; and (whatever a corrupt judge may do) will accept of no security, but the confinement of his body within four walls. I know it has been alleged, in your favour, that you have often bailed for murders, rapes, and other manifest crimes. Without questioning the fact, I shall not admit that you are to be justified by your own example. If that were a protection to you, where is the crime, that, as a judge, you might

not now securely commit? But neither shall I suffer myself to be drawn aside from my present argument, nor you to profit by your own wrong. To prove the meaning and intent of the legislature, will require a minute and tedious deduction. To investigate a question of law, demands some labour and attention, though very little genius or sagacity. As a practical profession, the study of the law requires but a moderate portion of abilities. The learning of a pleader is usually upon a level with his integrity. The indiscriminate defence of right and wrong contracts the understanding, while it corrupts the heart. Subtilty is soon mistaken for wisdom, and impunity for virtue. If there be any instances upon record, as some there are undoubtedly, of genius and morality united in a lawyer, they are distinguished by their singularity, and operate as exceptions.

I must solicit the patience of my readers.—This is no light matter; nor is it any more susceptible of ornament, than the conduct of Lord Mansfield is capable of aggravation.

As the law of bail, in charges of felony, has been exactly ascertained by acts of the legislature, it is at present of little consequence to inquire how it stood at common law before the statute of Westminster. And yet it is worth the reader's attention to observe, how nearly, in the ideas of our ancestors, the circumstance of being taken *with the manner* approached to the conviction* of the felon. It 'fixed the authoritative stamp of verisimilitude upon the accusation: and, by the common law, when a thief was taken *with the manner*, that is, with the things stolen upon him *in manu*, he might, so detected, *flagrante delicto*, be brought into court, arraigned, and tried, *without indictment*; as, by the Danish law, he might be taken and hanged on the spot, without accusation or trial.'

* Blackstone, iv. 305.

It will soon appear that our statute law, in this behalf, though less summary in point of proceeding, is directed by the same spirit. In one instance, the very form is adhered to. In offences relating to the forest, if a man was taken with vert, or venison,* it was declared to be equivalent to indictment. To enable the reader to judge for himself, I shall state, in due order, the several statutes relative to bail in criminal cases, or as much of them as may be material to the point in question, omitting superfluous words. If I misrepresent, or do not quote with fidelity, it will not be difficult to detect me.

The statute of Westminster the first, in 1275,† sets forth, that ‘Forasmuch as sheriffs and others, who have taken and kept in prison persons detected of felony, and incontinent have let out by replevin such as were *not replevisable*, because they would gain of the one party, and grieve the other; and forasmuch as, before this time, it was not determined which persons were replevisable, and which not; it is provided, and by the king commanded, that such prisoners, &c. as be *taken with the manner*, &c. or for manifest offences, shall be in *nowise* replevisable by the common writ, nor without writ. Lord Coke,‡ in his exposition of the last part of this quotation, accurately distinguishes between *replevy* by the common writ, or *ex officio*, and *bail* by the King’s Bench. The words of the statute certainly do not extend to the judges of that court. But, be

* 1 Ed. III. cap. 8—and 7 Rich. II. cap. 4.

† ‘*Videtur que le statute de mainprize n’est que le rehearsal del comen ley.*’ Bro. Mainp. 61.

‡ ‘There are three points to be considered in the construction of all remedial statutes; the old law, the mischief, and the remedy; that is, how the common law stood at the making of the act; what the mischief was for which the common law did not provide; and what remedy the parliament had provided to cure this mischief. It is the business of the judges so to construe the act as to suppress the mischief and advance the remedy.’—*Blackstone*, i. 87.

des that, the reader will soon find reason to think that the legislature, in their intention, made no difference between *bailable* and *replevisable*. Lord Coke himself, if he be understood to mean nothing but an exposition of the statute of Westminster, and not to state the law generally, does not adhere to his own distinction. In expounding the other offences, which, by this statute, are declared not *replevisable*, he constantly uses the words *not bailable*. ‘That outlaws, for instance, are *not bailable at all*: that persons who have abjured the realm, are attainted upon their own confession, and therefore *not bailable at all by law*: that provers are not *bailable*: that notorious felons are not *bailable*.’ The reason why the superior courts were not named in the statute of Westminster was plainly this, ‘because anciently most of the business touching bailment of prisoners for felony or misdemeanors, was performed by the sheriffs, or special bailiffs of liberties, either by *virtute*, or *virtute officii* ;’* consequently the superior courts had little or no opportunity to commit those abuses which the statute imputes to the sheriffs. With submission to Dr Blackstone, I think he has fallen into a contradiction, which, in terms at least, appears irreconcilable. After enumerating several offences not bailable, he asserts, without any condition or limitation whatsoever,† ‘All these are clearly not admissible to bail.’ Yet, in a few lines after, he says, ‘*It is agreed* that the court of King’s Bench may bail for any crime whatsoever, *according to the circumstances of the case*.’ To his first proposition he should have added, *by sheriffs or justices*, otherwise the two propositions contradict each other: with this difference, however, that the first is absolute, the second limited by *a consideration of circumstances*. I say this, without the least intended dis-

* 2 Hale, P. C. 123, 136.

† Blackstone, iv. 296.

respect to the learned author. His work is of public utility, and should not hastily be condemned.

The statute of 17 Richard II. *cap.* 10, 1393, sets forth, that, ‘ Forasmuch as thieves notoriously defamed, *and others taken with the manner*, by their long abiding in prison, were delivered by charters and favourable inquests procured, to the great hinderance of the people, two men of law shall be assigned, in every commission of the peace, to proceed to the deliverance of such felons,’ &c. It seems, by this act, that there was a constant struggle between the legislature and the officers of justice. Not daring to admit felons *taken with the manner* to bail or mainprise, they evaded the law, by keeping the party in prison a long time, and then delivering him without due trial.

The statute of 1st Richard III. in 1483, sets forth, that, ‘ Forasmuch as divers persons have been daily arrested and imprisoned for *suspicion* of felony, sometime of malice, and sometime of a *light suspicion*, and so kept in prison without bail or mainprise, be it ordained, that every justice of peace shall have authority, by his discretion, to let such prisoners and persons so arrested to bail or mainprise.’ By this act, it appears that there had been abuses in matter of imprisonment, and that the legislature meant to provide for the immediate enlargement of persons arrested on *light suspicion* of felony.

The statute of 3d Henry VII. in 1486, declares, that, under colour of the preceding act of Richard the Third, ‘ Persons, *such as were not mainpernable*, were oftentimes let to bail or mainprise by justices of the peace, whereby many murderers and felons escaped, the king, &c. hath ordained, that the justices of the peace, or two of them at least (whereof one to be of the *quorum*) have authority to let any such prisoners or persons, mainpernable by the law, to bail or mainprise.’

The statute of 1st and 2d of Philip and Mary, in 554, sets forth, that, ' Notwithstanding the preceding statute of Henry the Seventh, *one* justice of peace hath oftentimes, by sinister labour and means, let at large the greatest and notablest offenders, *such as may be not replevisable by the laws of this realm*; and yet, the rather to hide their affections in that behalf, have assigned the cause of their apprehension to be but only for *suspicion* of felony, whereby the said offenders have escaped unpunished, and do daily, to the high displeasure of Almighty God, the great peril of the king and queen's true subjects, and encouragement of all thieves and evil-doers; for reformation whereof be it enacted, that no justices of peace shall let to bail or mainprise any such persons, which, for any offence by them committed, be declared *not to be replevised, or bailed, or be forbidden to be replevised, or bailed, by the statute of Westminster the first*; and furthermore, that any persons arrested for manslaughter or felony, *being bailable by the law*, shall not be let to bail or mainprise by any justices of peace, but in the form herein after prescribed.'—In the two preceding statutes, the words *bailable, replevisable, and mainprisable*, are used synonymously,* or promiscuously, to express the same single intention of the legislature, viz. *not to accept of any security but the body of the offender*: and when the latter statute prescribes the form in which persons arrested on *suspicion* of felony (*being bailable by the law*) may be let to bail, it evidently supposes that there are some cases not bailable by the law. It may be thought, perhaps, that I attribute to the legislature an appearance of inaccuracy in the use of terms merely to serve my present purpose. But, in truth, it would make more forcibly for my argument, to presume, that the legislature were constantly aware

* 2 Hale, P. C. li. 124.

of the strict legal distinction between *bail* and *replevy*, and that they always meant to adhere to it.* For if it be true that *replevy* is by the sheriffs, and *bail* by the higher courts at Westminster (which I think no lawyer will deny), it follows, that when the legislature expressly says that any particular offence is by law *not bailable*, the superior courts are comprehended in the prohibition, and bound by it. Otherwise, unless there was a positive exception of the superior courts (which I affirm there never was in any statute relative to bail), the legislature would grossly contradict themselves, and the manifest intention of the law be evaded. It is an established rule, that, when the law is *special*, and reason of it general, it is to be *generally* understood; and though, by custom, a latitude be allowed to the court of King's Bench (to consider circumstances inductive of a doubt, whether the prisoner be guilty or innocent), if this latitude be taken as an arbitrary power to bail, when no circumstances whatsoever are alleged in favour of the prisoner, it is a power without right, and a daring violation of the whole English law of bail.

The act of the 31st of Charles the Second (commonly called the *Habeas Corpus Act*) particularly declares, that it is not meant to extend to treason or felony, plainly and specially expressed in the warrant of commitment. The prisoner is therefore left to seek his *habeas corpus* at common law; and so far was the legislature from supposing that persons (committed for treason or felony, plainly and specially expressed in the warrant of commitment) could be let to bail by a single judge, or by the whole court, that this very act provides a remedy for such persons, in case they are not indicted in

* *Vide* 2d Inst. 150, 186. 'The word *replevisable* never signifies *bailable*. *Bailable* is in a court of record, by the but *replevisable* is by the sheriff.'—Selden.
49.

the course of the term or sessions subsequent to their commitment. The law neither suffers them to be enlarged before trial, nor to be imprisoned after the time in which they ought regularly to be tried. In this case the law says, 'It shall and may be lawful to and for the judges of the court of King's Bench, and justices of oyer and terminer, or general gaol delivery, and they are hereby required, upon motion made to them in open court, the last day of the term, session, or gaol delivery, either by the prisoner, or any one in his behalf, to set at liberty the prisoner upon bail, unless it appear to the judges and justices, upon oath made, that the witnesses for the king could not be produced the same term, sessions, or gaol delivery.' Upon the whole of this article I observe, 1. That the provision made in the first part of it would be, in a great measure, useless and nugatory, if any single judge might have bailed the prisoner *ex arbitrio* during the vacation, or if the court might have bailed him immediately after the commencement of the term or sessions. 2. When the law says, *It shall and may be lawful* to bail for felony under particular circumstances, we must presume, that, before the passing of that act, it was *not* lawful to bail under those circumstances. The terms used by the legislature are *enacting*, not *declaratory*. 3. Notwithstanding the party may have been imprisoned during the greatest part of the vacation, and during the whole session, the court are expressly forbidden to bail him, from that session to the next, if oath be made that the witnesses for the king could not be produced that same term or sessions.

Having faithfully stated the several acts of parliament relative to bail in criminal cases, it may be useful to the reader to take a short historical review of the law of bail, through its various gradations and improvements.

By the ancient common law, before and since the

Conquest, all felonies wereailable, till murder was excepted by statute, so that persons might be admitted to bail, before conviction, almost in every case. The statute of Westminster says, that before that time, it had not been determined which offences were replevisable, and which were not, whether by the common writ *de homine replegiando*, or *ex officio* by the sheriff. It is very remarkable, that the abuses arising from this unlimited power of replevy, dreadful as they were, and destructive to the peace of society, were not corrected or taken notice of by the legislature, until the commons of the kingdom had obtained a share in it by their representatives; but the House of Commons had scarce begun to exist, when these formidable abuses were corrected by the statute of Westminster. It is highly probable, that the mischief had been severely felt by the people, although no remedy had been provided for it by the Norman kings or barons. ‘The* iniquity of the times was so great, as it even forced the subjects to forego that, which was in account a great liberty, to stop the course of a growing mischief.’ The preamble to the statutes made by the first parliament of Edward the First, assigns the reason of calling it,† ‘because the people had been otherwise entreated than they ought to be, the peace less kept, the laws less used, and offenders less punished, than they ought to be, by reason whereof the people feared less to offend;’ and the first attempt to reform these various abuses was by contracting the power of replevying felons.

For above two centuries following, it does not appear that any alteration was made in the law of bail, except that *being taken with vert or venison* was declared to be equivalent to indictment. Th

* Selden, by N. Bacon, 182.

† Parliamentary History, i. 82.

gislature adhered firmly to the spirit of the statute of Westminster. The statute of the 27th of Edward the First directs the justices of assize to inquire and punish officers bailing such as were *notailable*. As for the judges of the superior courts, it is probable that in those days they thought themselves bound by the obvious intent and meaning of the legislature. They considered not so much to what particular persons the prohibition was addressed, as what the *thing* was which the legislature meant to prohibit; well knowing that in law, *quando aliquid prohibetur, prohibetur et omne per quod devenitur ad illud*. ‘When any thing is forbidden, all the means by which the same thing may be compassed or done are equally forbidden.’

By the statute of Richard the Third, the power of bailing was a little enlarged: every justice of peace was authorised to bail for felony; but they were expressly confined to persons arrested on *light suspicion*: and even this power, so limited, was found to produce such inconveniences, that in three years after the legislature found it necessary to repeal it. Instead of trusting any longer to a single justice of peace, the act of 3d Henry VII. repeals the preceding act, and directs, ‘That no prisoner (*of those who are mainpernable by the law*) shall be let to bail or mainprise by less than *two* justices, whereof one to be of the quorum.’

And so indispensably necessary was this provision thought for the administration of justice, and for the security and peace of society, that at this time an oath was proposed by the king, to be taken by the knights and esquires of his household, by the members of the House of Commons, and by the peers spiritual and temporal, and accepted and sworn to *quasi una voce* by them all, which, among other engagements, binds them not to let any man to bail or mainprise, ‘knowing and deeming him

to be a felon, upon your honour and worship. So help you God and all saints.'*

In about half a century, however, even these provisions were found insufficient. The act of Henry the Seventh was evaded, and the legislature once more obliged to interpose. The act of 1st and 2d of Philip and Mary takes away entirely from the justices all power of bailing for offences declared *not bailable* by the statute of Westminster.

The illegal imprisonment of several persons, who had refused to contribute to a loan exacted by Charles the First, and the delay of the *habeas corpus*, and subsequent refusal to bail them, constituted one of the first and most important grievances of that reign. Yet when the House of Commons, which met in the year 1628, resolved upon measures of the most firm and strenuous resistance to the power of imprisonment, assumed by the king or privy council, and to the refusal to bail the party on the return of the *habeas corpus*, they did expressly, in all their resolutions, make an exception of commitments, where the cause of the restraint was expressed, and did by law justify the commitment. The reason of the distinction is, that whereas, when the cause of commitment is expressed, the crime is then known, and the offender must be brought to the ordinary trial: if, on the contrary, no cause of commitment be expressed, and the prisoner be thereupon remanded, it may operate to perpetual imprisonment. This contest with Charles the First produced the act of the 16th of that king; by which the court of King's Bench are directed, within three days after the return to the *habeas corpus*, to examine and determine the legality of any commitment by the king or privy council, and to do *what in justice shall appertain*, in delivering,

* Parliamentary History, ii. 519.

ailing, or *remanding* the prisoner. Now, it seems, is unnecessary for the judge to do what appears to justice. The same scandalous traffic, in which we have seen the privilege of parliament extended or relaxed, to gratify the present humour, or to serve the immediate purpose of the crown, is introduced into the administration of justice. The magistrate, it seems, has now no rule to follow but the dictates of personal enmity, national partiality, or perhaps the most prostituted corruption.

To complete this historical inquiry, it only remains to be observed, that the *habeas corpus* act of 11th of Charles the Second, so justly considered as another Magna Charta of the kingdom, 'extends* only to the case of commitments for such criminal charge as can produce no inconvenience to public justice by a temporary enlargement of the prisoner.' So careful were the legislature, at the very moment when they were providing for the liberty of the subject, not to furnish any colour or pretence for violating or evading the established law of bail in higher criminal offences. But the exception, stated in the body of the act, puts the matter out of all doubt. After directing the judges how they are to proceed to the discharge of the prisoner upon recognisance and surety, having regard to the quality of the prisoner and nature of the offence, it is expressly added, 'unless it shall appear to the said lord chancellor, &c. that the party so committed is detained for such matters or offences, for the which, by the law, the prisoner is not bailable.'

When the laws, plain of themselves, are thus illustrated by facts, and their uniform meaning established by history, we do not want the authority of opinions, however respectable, to inform our judgment, or to confirm our belief. But I am determined that you shall have no escape. Autho-

* *Blackstone*, iv. 137.

rity of every sort shall be produced against you, from Jacob to Lord Coke, from the dictionary to the classic. In vain shall you appeal from those upright judges whom you disdain to imitate, to those whom you have made your example. With one voice they all condemn you.

‘To be taken with the *maner*, is where a thief, having stolen any thing, is taken with the same about him, as it were in his hands, which is called *flagrante delicto*. Such a criminal is *not bailable by law*.’—*Jacob*, under the word *Maner*.

‘Those who are taken with the *maner* are excluded by the statute of Westminster, from the benefit of a replevin.’—*Hawkins*, P. C. ii. 98.

‘Of such heinous offences, no one, who is notoriously guilty, seems to be *bailable* by the intent of this statute.’—*Ditto*, ii. 9.

‘The common practice and allowed general rule is, that bail is only then proper, where it stands *indifferent* whether the party were guilty or innocent.’—*Ditto*, *ditto*.

‘There is no doubt but that the bailing of a person, *who is not bailable by law*, is punishable either at common law, as a negligent escape, or as an offence against the several statutes relative to bail.’—*Ditto*, 89.

‘It cannot be doubted, but that neither the judges of this, nor of any other superior court of justice, are strictly within the purview of that statute; yet they will always, in their discretion, pay a due regard to it, and not admit a person to bail who is expressly declared by it irreplevisable, *without some particular circumstance in his favour*; and, therefore, it seems difficult to find an instance where persons attainted of felony, or notoriously guilty of treason, or manslaughter, &c. by their own confession, or *otherwise*, have been admitted to the benefit of bail, without some special motive to the court to grant it.’—*Ditto*, 114.

‘ If it appears that any man hath injury or wrong by his imprisonment, we have power to deliver and discharge him ; if otherwise, *he is to be remanded by us to prison again.*’—*Lord Chief Justice Hyde, State Trials*, vii. 115.

‘ The statute of Westminster was especially for direction to the sheriffs and others ; but to say courts of justice are excluded from this statute, I conceive it cannot be.’—*Attorney General Heath, ditto*, 132.

‘ The court, upon view of the return, judgeth of the sufficiency or insufficiency of it. If they think the prisoner *in law* to be *bailable*, he is committed to the marshal, and bailed ; if not, he is remanded.’ Through the whole debate, the objection on the part of the prisoners was, that no cause of commitment was expressed in the warrant ; but it was uniformly admitted, by their counsel, that, if the cause of commitment had been expressed for treason or felony, the court would then have done right in remanding them.

The attorney-general having urged, before a committee of both houses, that, in Beckwith’s case, and others, the lords of the council sent a letter to the court of King’s Bench to bail ; it was replied, by the managers of the House of Commons, that this was of no moment : ‘ for that either the prisoner was *bailable by the law*, or *not bailable*. If bailable by the law, then he was to be bailed without any such letter ; if not bailable by the law, then plainly the judges could not have bailed him upon the letter, without breach of their oath, which is, *that they are to do justice according to the law.*’ &c.—*State Trials*, vii. 175.

‘ So that in bailing upon such offences of the highest nature, a kind of discretion, rather than a constant law, have been exercised, when it stands *wholly indifferent*, in the eye of the court, whether the prisoner be guilty or not.’—*Selden, State Trials*, vii. 230, 231.

‘ I deny that a man is alwaysailable when imprisonment is imposed upon him for custody.’—*Attorney-General Heath, ditto, 238.*

By these quotations from the State Trials, though otherwise not of authority, it appears plainly, that in regard to *ailable*, or *notailable*, all parties agreed in admitting one proposition as incontrovertible.

‘ In relation to capital offences, there are especially these acts of parliament that are the common landmarks* touching offencesailable or notailable.’—*Hale, ii. P. C. 127.* The enumeration includes the several acts cited in this paper.

‘ Persons taken with the *manouvre* are notailable, because it is *furtum manifestum*.’—*Hale, ii. P. C. 133.*

‘ The writ of *habeas corpus* is of a high nature; for if persons be wrongfully committed, they are to be discharged upon this writ returned; or, ifailable, they are to be bailed: *if notailable, they are to be committed*.’—*Hale, ii. P. C. 143.* This doctrine of Lord Chief Justice Hale refers immediately to the superior courts from whence the writ issues. ‘ After the return is filed, the court is either to discharge, or bail, or *commit* him, as the nature of the case requires.’—*Hale, ii. P. C. 146.*

‘ If bail be granted *otherwise than the law alloweth*, the party that alloweth the same shall be fined, imprisoned, render damages, or forfeit his place, as the case shall require.’—*Selden, by N. Bacon, 182.*

‘ This induces an absolute necessity of expressing, upon every commitment, the reason for which it is made; that the court, upon a *habeas corpus*, may examine into its validity, and, *according to the circumstances of the case*, may discharge, admit to

* It has been the study of Lord Mansfield to remove landmarks.

bail, or remand the prisoner.'—*Blackstone*, iii. 133.

'Marriot was committed for forging endorsements upon bank-bills, and upon a *habeas corpus* was bailed, because the crime was only a great misdemeanor; for though the forging the bills be felony, yet forging the endorsement is not.'—*Salkeld*, i. 104.

'Appell de Mahem, &c. ideo ne fuit lesse a baille, nient plus que in appell de robbery ou murder; quod nota, et que in robbery et murder le partie n'est baillable.'—*Bro. Mainprize*, 67.

'The intendment of the law in bails is, *Quod stat indifferenter*, whether he be guilty or no; but when he is convicted by verdict or confession, then he must be deemed in law to be guilty of the felony, and therefore *not bailable at all*.'—*Coke*, ii. *Inst.* 188. iv. 178.

'Bail is *quando stat indifferenter*, and not when the offence is open and manifest.'—2 *Inst.* 189.

'In this case *non stat indifferenter*, whether he be guilty or no, being taken with the *maner*, that is, with the thing stolen, as it were, in his hand.'—*Ditto, ditto*.

'If it appeareth that this imprisonment be just and lawful, he *shall* be *remanded* to the former gaoler; but if it shall appear to the court that he was imprisoned against the law of the land, they ought, by force of this statute, to deliver him: if it be *doubtful*, and under consideration, he may be bailed.'—2 *Inst.* 55.

It is unnecessary to load the reader with any farther quotations. If these authorities are not deemed sufficient to establish the doctrine maintained in this paper, it will be in vain to appeal to the evidence of law books, or the opinions of judges. They are not the authorities by which Lord Mansfield will abide. He assumes an arbitrary power of doing

right : and if he does wrong, it lies only between God and his conscience.

Now, my lord, although I have great faith in the preceding argument, I will not say that every minute part of it is absolutely invulnerable. I am too well acquainted with the practice of a certain court, directed by your example, as it is governed by your authority, to think there ever yet was an argument, however conformable to law and reason, in which a cunning quibbling attorney might not discover a flaw. But, taking the whole of it together, I affirm, that it constitutes a mass of demonstration, than which nothing more complete or satisfactory can be offered to the human mind. How an evasive, indirect reply will stand with your reputation, or how far it will answer in point of defence, at the bar of the House of Lords, is worth your consideration. If, after all that has been said, it should still be maintained, that the court of King's Bench, in bailing felons, are exempted from all legal rules whatsoever, and that the judge has no direction to pursue, but his private affections, or mere unquestionable will and pleasure, it will follow plainly, that the distinction between bailable and not bailable, uniformly expressed by the legislature, current through all our law books, and admitted by all our great lawyers, without exception, is, in one sense, a nugatory, in another, a pernicious, distinction. It is nugatory, as it supposes a difference in the bailable quality of offences, when, in effect, the distinction refers only to the rank of the magistrate. It is pernicious, as it implies a rule of law, which yet the judge is not bound to pay the least regard to ; and impresses an idea upon the minds of the people, that the judge is wiser and greater than the law.

It remains only to apply the law, thus stated, to the fact in question. By an authentic copy of the

mittimus, it appears that John Eyre was committed for felony, plainly and specially expressed in the warrant of commitment. He was charged before Alderman Halifax, by the oath of Thomas Fielding, William Holder, William Payne, and William Nash, for *feloniously stealing* eleven quires of writing paper, value six shillings, the property of Thomas Beach, &c. By the examinations upon oath of the four persons mentioned in the *mittimus*, it was proved that large quantities of paper had been missed; and that eleven quires (previously marked, from a suspicion that Eyre was the thief) were found upon him. Many other quires of paper, marked in the same manner, were found at his lodgings; and after he had been some time in Wood-street Compter, a key was found in his room there, which appeared to be a key to the closet at Guildhall, from whence the paper was stolen. When asked what he had to say in his defence, his only answer was, *I hope you will bail me*. Mr Holder, the clerk, replied, *That is impossible. There never was an instance of it when the stolen goods were found upon the thief*. The lord mayor was then applied to, and refused to bail him. Of all these circumstances, it was your duty to have informed yourself minutely. The fact was remarkable; and the chief magistrate of the city of London was known to have refused to bail the offender. To justify your compliance with the solicitations of your three countrymen, it should be proved that such allegations were offered to you in behalf of their associate, as honestly and *bona fide* reduced it to a matter of doubt and indifference whether the prisoner was innocent or guilty. Was any thing offered by the Scotch triumvirate that tended to invalidate the positive charge made against him by four credible witnesses upon oath? Was it even insinuated to you, either by himself or his bail,

that no felony was committed ; or, that he was not the felon ; that the stolen goods were *not* found upon him ; or that he was only the receiver, not knowing them to be stolen ? Or, in short, did they attempt to produce any evidence of his insanity ? To all these questions I answer for you, without the least fear of contradiction, positively, No. From the moment he was arrested he never entertained any hope of acquittal ; therefore, thought of nothing but obtaining bail, that he might have time to settle his affairs, convey his fortune into another country, and spend the remainder of his life in comfort and affluence abroad. In this prudential scheme of future happiness, the lord chief justice of England most readily and heartily concurred. At sight of so much virtue in distress, your natural benevolence took the alarm. Such a man as Mr Eyre, struggling with adversity, must always be an interesting scene to Lord Mansfield. Or, was it that liberal anxiety, by which your whole life has been distinguished, to enlarge the liberty of the subject ? My lord, we did not want this new instance of the liberality of your principles. We already knew what kind of subjects they were for whose liberty you were anxious. At all events, the public are much indebted to you for fixing a price, at which felony may be committed with impunity.

You bound a felon, notoriously worth £30,000, in the sum of £300. With your natural turn to equity, and knowing, as you are, in the doctrine of precedents, you undoubtedly meant to settle the proportion between the fortune of the felon and the fine by which he may compound for his felony. The ratio now upon record, and transmitted to posterity under the auspices of Lord Mansfield, is exactly one to a hundred. My lord, without intending it, you have laid a cruel restraint upon the genius of your countrymen. In the warmest indul-

gence of their passions they have an eye to the expense ! and if their other virtues fail us, we have a resource in their economy.

By taking so trifling a security from John Eyre, you invited, and manifestly exhorted him to escape. Although in bailable cases it be usual to take four securities, you left him in the custody of three Scotchmen, whom he might have easily satisfied for conniving at his retreat. That he did not make use of the opportunity you industriously gave him, neither justifies your conduct, nor can it be any way accounted for, but by his excessive and monstrous avarice. Any other man, but this bosom friend of three Scotchmen, would gladly have sacrificed a few hundred pounds, rather than submit to the infamy of pleading guilty in open court. It is possible indeed that he might have flattered himself, and not unreasonably, with the hopes of a pardon. That he would have been pardoned, seems more than probable, if I had not directed the public attention to the leading step you took in favour of him. In the present gentle reign, we well know what use has been made of the lenity of the court, and of the mercy of the crown. The lord chief justice of England accepts of the hundredth part of the property of a felon, taken in the fact, as a recognisance for his appearance. Your brother *Smythe* browbeats a jury, and forces them to alter their verdict, by which they had found a Scotch sergeant guilty of murder ;* and though the Kennedies were convicted of a most deliberate and atrocious murder,

* This sergeant had stabbed the landlord of an inn, who had used insulting expressions against the Scots. But it was also proved that the landlord had violently assaulted the sergeant, seized him by the throat, thrown him back upon a bench, and used other violent conduct towards him. The jury first gave in a verdict of murder ; but upon a fuller consideration of the cause, that verdict was altered to manslaughter. The speech of Dunning in favour of Baron Smythe's charge has been preserved ; yet Dunning was even suspected of being Junius.—*Ed.*

they still had a claim to the royal mercy. They were saved by the chastity of their connexions. They had a sister; yet it was not her beauty, but the pliancy of her virtue, that recommended her to the king.

The holy author of our religion was seen in the company of sinners; but it was his gracious purpose to convert them from their sins. Another man, who, in the ceremonies of our faith, might give lessons to the great enemy of it, upon different principles, keeps much the same company. He advertises for patients, collects all the diseases of the heart, and turns a royal palace into an hospital for incurables. A man of honour has no ticket of admission at St James's. They receive him like a virgin at the Magdalen's; *Go thou, and do likewise.*

My charge against you is now made good. I shall, however, be ready to answer or to submit to fair objections. If, whenever this matter shall be agitated, you suffer the doors of the House of Lords to be shut, I now protest, that I shall consider you as having made no reply. From that moment, in the opinion of the world, you will stand self-convicted. Whether your reply be quibbling and evasive, or liberal and in point, will be matter for the judgment of your peers; but if, when every possible idea of disrespect to that noble House (in whose honour and justice the nation implicitly confides) is here most solemnly disclaimed, you should endeavour to represent this charge as a contempt of their authority, and move their lordships to censure the publisher of this paper, I then affirm, that you support injustice by violence, that you are guilty of a heinous aggravation of your offence, and that you contribute your utmost influence to promote, on the part of the highest court of judicature, a positive denial of justice to the nation.

JUNIUS.

LETTER LXIX.

*To the Right Honourable Lord Camden.**

MY LORD,

I TURN with pleasure from that barren waste in which no salutary plant takes root, no verdure quickens, to a character fertile, as I willingly believe, in every great and good qualification. I call upon you, in the name of the English nation, to stand forth in defence of the laws of your country, and to exert, in the cause of truth and justice, those great abilities with which you were intrusted for the benefit of mankind. To ascertain the facts set forth in the preceding paper, it may be necessary to call the persons mentioned in the *mittimus* to the bar of the House of Lords. If a motion for that purpose should be rejected, we shall know what to think of Lord Mansfield's innocence. The legal argument is submitted to your lordship's judgment. After the noble stand you made against Lord Mansfield upon the question of libel, we did expect that you would not have suffered that matter to have remained undetermined. But it was said that Lord Chief Justice Wilmot had been *prevailed* upon to vouch for an opinion of the late Judge Yates, which was supposed to make against you; and we admit of the excuse. When such detestable arts are employed to prejudge a question of right, it might

* The object of this concluding letter was to induce Lord Camden to make the conduct of Lord Mansfield, in bailing Eyre, the subject of a parliamentary inquiry. The letter also contains an elucidation of our author's opinion respecting triennial parliaments, and against the disfranchising of rotten boroughs. This last is an opinion which we should hardly have expected from Junius; but he supports it upon what he thought constitutional grounds.—*Ed.*

have been imprudent at that time to have brought it to a decision. In the present instance, you will have no such opposition to contend with. If there be a judge or a lawyer of any note in Westminster-hall who shall be daring enough to affirm that, according to the true intendment of the laws of England, a felon, taken with the *maner in flagrante delicto*, is bailable, or that the discretion of an English judge is merely arbitrary, and not governed by rules of law, I should be glad to be acquainted with him. Whoever he be, I will take care that he shall not give you much trouble. Your lordship's character assures us that you will assume that principal part which belongs to you, in supporting the laws of England against a wicked judge, who makes it the occupation of his life to misinterpret and pervert them. If you decline this honourable office, I fear it will be said, that, for some months past, you have kept too much company with the Duke of Grafton. When the contest turns upon the interpretation of the laws, you cannot, without a formal surrender of all your reputation, yield the post of honour even to Lord Chatham. Considering the situation and abilities of Lord Mansfield, I do not scruple to affirm, with the most solemn appeal to God for my sincerity, that, in my judgment, he is the very worst and most dangerous man in the kingdom. Thus far I have done my duty in endeavouring to bring him to punishment. But mine is an inferior ministerial office in the temple of justice: I have bound the victim, and dragged him to the altar.

JUNIUS.

THE Reverend Mr John Horne having, with his usual veracity and honest industry, circulated a report that Junius, in a letter to the supporters of the bill of rights, had warmly declared himself in favour of long parliaments and rotten boroughs, it is

thought necessary to submit to the public the following extract from his letter to John Wilkes, Esq., dated the 7th of September, 1771, and laid before the society on the 24th of the same month.

‘ With regard to the several articles, taken separately, I own I am concerned to see that the great condition, which ought to be the *sine qua non* of parliamentary qualification, which ought to be the basis (as it assuredly will be the only support) of every barrier raised in defence of the constitution (I mean *a declaration upon oath to shorten the duration of parliaments*), is reduced to the fourth rank in the esteem of the society; and even in that place, far from being insisted on with firmness and vehemence, seems to have been particularly slighted in the expression, *You shall endeavour to restore annual parliaments*. Are these the terms which men who are in earnest make use of, when the *salus rei publicæ* is at stake? I expected other language from Mr Wilkes. Besides my objection in point of form, I disapprove highly of the meaning of the fourth article as it stands. Whenever the question shall be seriously agitated, I will endeavour (and, if I live, will assuredly attempt it) to convince the English nation by arguments, to my understanding unanswerable, that they ought to insist upon a triennial, and banish the idea of an annual parliament. I am convinced, that if shortening the duration of parliaments (which, in effect, is keeping the representative under the rod of the constituent) be not made the basis of our new parliamentary jurisprudence, other checks or improvements signify nothing. On the contrary, if this be made the foundation, other measures may come in aid, and, as auxiliaries, be of considerable advantage. Lord Chatham’s project, for instance, of increasing the number of knights of shires, appears to me admirable. As to cutting away the rotten boroughs, I am as much offended as any man at seeing so

many of them under the direct influence of the crown, or at the disposal of private persons. Yet, I own, I have both doubts and apprehensions in regard to the remedy you propose. I shall be charged, perhaps, with an unusual want of political intrepidity, when I honestly confess to you, that I am startled at the idea of so extensive an amputation. In the first place, I question the power, *de jure*, of the legislature to disfranchise a number of boroughs upon the general ground of improving the constitution. There cannot be a doctrine more fatal to the liberty and property we are contending for, than that which confounds the idea of a *supreme* and an *arbitrary* legislature. I need not point out to you the fatal purposes to which it has been, and may be applied. If we are sincere in the political creed we profess, there are many things which we ought to affirm cannot be done by kings, lords, and commons. Among these, I reckon the disfranchising of boroughs, with a general view of improvement. I consider it as equivalent to robbing the parties concerned of their freehold, of their birthright. I say, that although this birthright may be forfeited, or the exercise of it suspended in particular cases, it cannot be taken away by a general law, for any real or pretended purpose of improving the constitution.—Supposing the attempt made, I am persuaded you cannot mean that either king or lords should take an active part in it. A bill which only touches the representation of the people, must originate in the House of Commons. In the formation and mode of passing it, the exclusive right of the commons must be asserted as scrupulously as in the case of a money bill. Now, sir, I should be glad to know by what kind of reasoning it can be proved, that there is a power vested in the representative to destroy his immediate constituent.—From whence could he possibly derive it? A courtier, I know, will be ready to maintain the affirma-

tive. The doctrine suits him exactly, because it gives an unlimited operation to the influence of the crown. But we, Mr Wilkes, ought to hold a different language. It is no answer to me to say, that the bill, when it passes the House of Commons, is the act of the majority, and not of the representatives of the particular boroughs concerned. If the majority can disfranchise ten boroughs, why not twenty, why not the whole kingdom? Why should not they make their own seats in parliament for life? When the septennial act passed, the legislature did what, apparently and palpably, they had no power to do: but they did more than people in general were aware of; they, in effect, disfranchised the whole kingdom for four years.

‘ For argument’s sake, I will now suppose that the expediency of the measure and the power of parliament are unquestionable. Still you will find an insurmountable difficulty in the execution.— When all your instruments of amputation are prepared, when the unhappy patient lies bound at your feet, without the possibility of resistance, by what infallible rule will you direct the operation? When you propose to cut away the *rotten* parts, can you tell us what parts are perfectly *sound*? Are there any certain limits in fact or theory to inform you at what point you must stop, at what point the mortification ends? To a man so capable of observation and reflection as you are, it is unnecessary to say all that might be said upon the subject. Besides that I approve highly of Lord Chatham’s idea of *infusing a portion of new health into the constitution, to enable it to bear its infirmities* (a brilliant expression, and full of intrinsic wisdom), other reasons occur in persuading me to adopt it. I have no objection,’ &c.

The man who fairly and completely answers this argument, shall have my thanks and my applause. My heart is already with him. I am ready to be

converted. I admire his morality, and would gladly subscribe to the articles of his faith. Grateful as I am to the *good Being* whose bounty has imparted to me this reasoning intellect, whatever it is, I hold myself proportionably indebted to him from whose enlightened understanding another ray of knowledge communicates to mine. But neither should I think the most exalted faculties of the human mind a gift worthy of the Divinity, nor any assistance in the improvement of them a subject of gratitude to my fellow-creature, if I were not satisfied, that, really to inform the understanding, corrects and enlarges the heart.

JUNIUS.

THE END.





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